

MIAMI BEACH

City Commission Meeting

**City Hall, Commission Chamber, 3rd Floor, 1700 Convention Center Drive
May 11, 2016**

Mayor Philip Levine
Commissioner John Elizabeth Alemán
Commissioner Ricky Arriola
Commissioner Kristen Rosen Gonzalez
Commissioner Michael Grieco
Commissioner Joy Malakoff
Commissioner Micky Steinberg

City Manager Jimmy L. Morales
City Attorney Raul J. Aguila
City Clerk Rafael E. Granado

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In order to ensure adequate public consideration, if necessary, the Mayor and City Commission may move any agenda item to an alternate meeting date. In addition, the Mayor and City Commission may, at their discretion, adjourn the Commission Meeting without reaching all agenda items.

Meeting called to order at 8:29:40 a.m.

8:54:45 a.m.

A moment of silence held. Inspirational Message given by Reverend Harold Thompson from the Miami Beach Community Church.

Pledge of Allegiance led by Police Chief Daniel Oates.

ADDENDUM MATERIAL 1:

C4P

ADDENDUM MATERIAL 2:

R9T R9U

SUPPLEMENTAL MATERIAL 1:

C4E Ordinance
C4F Ordinance
C4G Ordinance
C4O Memorandum
C6C Memorandum
R7E Exhibits to Memorandum & Resolution with Attachments
R7K Memorandum

SUPPLEMENTAL MATERIAL 2:

C4M Memorandum
R5O Memorandum & Ordinance
R9P Memorandum

SUPPLEMENTAL MATERIAL 3:

R5D Memorandum, Letter of Support & Ordinance
R9Q Resolution

ITEM SEPARATED:

C4N separated by Commissioner John Elizabeth Alemán
C2A, C4E, C4I and C7O separated by Commissioner Kristen Rosen Gonzalez
C4D, C4B separated by Commissioner Michael Grieco
C4I separated by Commissioner Joy Malakoff
C4D, C4I and C7R separated by Vice-Mayor Micky Steinberg

ITEM WITHDRAWN:

R9F R7I (item to come back at the June 8, 2016 Commission Meeting)

8:57:43 a.m.

City Clerk's Note:

Pursuant to Ordinance 2015-3954, Sec. 2-12(3), addendum agenda items C4P, R9T and R9U have been approved by Mayor Levine to be placed on the Commission Agenda. No additional vote is required.

City Clerk's Note:**Sec. 2-12(3)**

Addendum agenda items – Any item not included in the agenda submitted to the Mayor and City Commission on the initial print day must be submitted by the City Clerk to the Mayor for a determination whether the item is to be placed on the Agenda as an addendum item. If the Mayor declines to place the item on the agenda as an addendum item, then the item shall be submitted to the City Commission for a vote and the item shall only be considered at the City Commission Meeting upon a finding by the City Commission, by a five-seventh (5/7th) affirmative vote.

8:57:50 a.m.

Rafael E. Granado, City Clerk, announced and read into the record, the following corrections, notations and changes to the Agenda:

CORRECTIONS/ANNOUNCEMENTS:

- Item C7O - Page 363 - In the Summary and the Memorandum change \$17,426 to \$8,713. The reason for the change is that Miami-Dade County cannot begin sampling until the ILA is signed, which is well into the fiscal year, meaning less sampling events and therefore, a reduced program cost.
- Item R5J - Any reference to "Miami Beach Youth Committee" should instead refer to "Miami Beach Youth Commission."

- Item R5O - Supplement 2 - Last page of memo, Recommendation section, "...Second Reading Public Hearing for ~~May 25~~ **June 8, 2016.**"
- Item R7I – Page 735 – Amendment No. 3 to Agreement with Jameck Development, Inc., Lincoln Lane South is **deferred to June 8, 2016.**
- Item R9F – Page 833 – The Presentation Of MB Light Rail/Modern Streetcar Environmental Consideration was withdrawn.

NOTATIONS:

- Item R9R Discuss Reevaluation Of Fine Schedule For Littering On The Beach. Code Compliance and Police are the responsible departments.
- Commissioner Joy Malakoff has been added as Co-Sponsor to Item R9O.

Recess for lunch at approximately 12:00 p.m.

CONSENT AGENDA

9:00:06 a.m.

Motion made by Commissioner Malakoff; seconded by Commissioner Alemán to approve the Consent Agenda, except for separated items. Voice-vote: 7-0. (See above for separated items.)

C2 - Competitive Bid Reports

9:06:09 a.m.

C2A Request Approval To Issue A Request For Qualifications (RFQ) No. 2016-138-KB For Architectural And Engineering Design Services For Maurice Gibb Memorial Park.
(Procurement/Capital Improvement Projects/Parks & Recreation)

ACTION: Request approved. Item separated by Commissioner Rosen Gonzalez. Motion made by Commissioner Rosen Gonzalez; seconded by Commissioner Malakoff; Voice vote: 7-0. **Alex Denis, David Martinez and John Rebar to handle.**

Commissioner Rosen Gonzalez stated that she not only wants to issue the RFQ, but she also wants to bring awareness to Commissioner Malakoff that the trees at Maurice Gibb Memorial Park are in peril, and need help. Something needs to be done in terms of raising awareness for the park and save more trees. She proposed temporarily moving the park to another location, or adding an additional park to the area.

Commissioner Malakoff stated that landscaping and trees are imperative for the Maurice Gibb Memorial Park. Everything will be done to preserve the trees, and the City needs to plant many more trees for shade, water retention, and oxygenation of the air.

- C2B Request For Approval To Issue A Request For Qualifications (RFQ) No. 2016-097-KB For Consulting Services For Public-Private Partnerships (P3) For Workforce Housing Initiative.
(Procurement/Housing & Community Services)

ACTION: Request approved. **Alex Denis and Maria Ruiz to handle.**

- C2C Request For Approval To Issue Request For Qualifications (RFQ) 2016-139-WG For An Access Control And Security System Consultant.
(Procurement/Emergency Management)

ACTION: Request approved. **Alex Denis and Chuck Tear to handle.**

C4 - Commission Committee Assignments

- C4A Referral To The Sustainability And Resiliency Committee - Discussion Regarding The Securing And Storage Of Commercial Dumpsters.
(Sponsored by Commissioner Michael Grieco)

ACTION: Item referred. **Elizabeth Wheaton to place on the committee agenda. Elizabeth Wheaton and Eric Carpenter to handle.**

9:42:15 a.m.

- C4B Referral To The Finance And Citywide Projects Committee To Discuss Advertising Opportunities Within Municipal Parking Garages And Not Visible From The Right-Of-Way.
(Parking)

ACTION: Item referred. Item separated by Commissioner Grieco. Motion made by Commissioner Grieco; seconded by Vice-Mayor Steinberg; Voice-vote: 6-0; Absent: Commissioner Malakoff. **Allison Williams to place on the committee agenda. Saul Frances to handle.**

DIRECTION:

- At Finance & Citywide Projects Committee, contemplate carving out a deal that would include a great deal of public benefit, when it comes to saving space for public service announcements, anti-littering campaigns, etc.
- Be strategic and careful, to prevent selling every piece of land to the highest bidder for advertising purposes.
- Add safeguards so that the entire indoor garage facility does not become a walking advertisement.

Commissioner Grieco explained the reason he pulled the item, and stated that historically the previous City Commissions were consistently against too much visual pollution, and this City Commission has not addressed the issue of advertising since the 2015 Election. He is not in favor of referring the item to Committee without first addressing it. He has reservations about starting to sell too much space in the City for advertisers. He is agreeable to referring the item, if the Finance & Citywide Projects Committee contemplates carving out a deal that would include a great deal of public benefit, when it comes to saving space for public service announcements, anti-littering campaigns, such as the idea of wrapping the inside of the parking garages with anti-

littering campaigns, etc. He is concerned about seeing Coca-Cola advertise throughout the City inside the garages.

Vice-Mayor Steinberg added that throughout the years, she has been very cautious about permitting advertising in the City, and is in support of referring the item moving forward. She will also participate in the discussions. However, they need to be strategic and careful, as the last thing they want is to sell every piece of land to the highest bidder for advertising purposes. This is not going to be anywhere visible from the right-of-way and she thinks they need to add safeguards so that the entire indoor garage facility would not be one walking advertisement.

- C4C Referral To Land Use And Development Committee - An Ordinance Amendment Pertaining To Alcoholic Beverage Establishments In The CD-3 District On 41st Street, In Order To Address Compatibility Issue With Surrounding Residential Districts.

(Sponsored by Commissioner John Elizabeth Alemán)

ACTION: Item referred. **Thomas Mooney to place on the committee agenda and to handle.**

9:19:26 a.m.

- C4D Referral To The Finance And Citywide Projects Committee To Discuss 300 Alton Road.

(Sponsored by Commissioner Ricky Arriola)

ACTION: Item referred. See related Item R9J and comments with Item R9U. Item separated by Vice-Mayor Steinberg and Commissioner Grieco. Motion made by Commissioner Grieco; seconded by Commissioner Arriola; Voice-vote: 7-0. **Allison Williams to place on the committee agenda. Max Sklar to handle.**

Vice-Mayor Steinberg explained the reasons for separating the item. She does not have a problem referring the item to the Finance & Citywide Projects Committee for discussion, but the City has had many issues with the Marina lease that they want to renegotiate. The lease was drafted in the 1980s, and there are parking agreements worth millions of dollars that need to be looked at. She does not want to rush this item, and feels they should be in the "driver's seat." She thinks the timeline is too aggressive to get the best deal for the City and they need to look at other options if available. She wants to make sure they do the right thing.

Commissioner Grieco stated that this item is regarding the Miami Beach Marina in South Beach where the Monty's restaurant (a/k/a Monty's Sunset) is located. There is currently a proposal to redevelop the property. He and his colleagues have seen the proposal, and he is offering a proposed amendment to the Charter (see Item R9U). The amendment to the Charter would increase the thresholds for the sale, lease or transfer of any parkland or waterfront properties owned by the City to 60%, to be on a ballot applicable in the future. He asked for his colleagues input as to the two options he proposed; one increasing the threshold from 50% to 60%; the second carries over the language from the County "Save Our Parks" text in the County Charter, regarding giving more power to the adjacent precincts most directly affected by any sale or transfer of waterfront property or parkland.

Mayor Levine suggested referring to Committee first and asked if there was consensus for the referral.

Discussion held.

Raul J. Aguila, City Attorney, stated that the referral to the Finance & Citywide Projects Committee would be for direction from the Committee as to how to proceed with this transaction. The item will go back to the Finance Committee, if and when they negotiate a proposed lease amendment to the Marina lease; therefore, there will be a subsequent referral to Committee once they have the actual negotiated document.

Commissioner Arriola agrees with the referral to Committee, but agrees Vice-Mayor Steinberg. This is one of the boldest plans he has seen introduced to the City. The dollars are huge and the impact to the City can be enormous. Due to the level of complexity and the dollars involved, he does not think the item will move quickly. The lease itself is going to be complicated. It is a referendum matter in the future, with potential dollars contributed to the City.

Motion made by Commissioner Grieco; seconded by Commissioner Arriola to refer the item.

No further discussion.

9:07:27 a.m.

SUPPLEMENTAL MATERIAL 1: ATTACHMENT: ORDINANCE

C4E Referral To The Planning Board. Proposed Ordinance Amendment Pertaining To Non-Conforming Hotel Uses In The RM-1 Zoning District West Of Alton Road.
(Sponsored by Commissioner Ricky Arriola)

ACTION: Item referred. Item separated by Commissioner Rosen Gonzalez. Motion made by Commissioner Malakoff; seconded by Commissioner Alemán; Voice vote: 7-0. **Thomas Mooney to place on the board agenda and to handle.**

Commissioner Rosen Gonzalez asked for clarification on the item.

Thomas Mooney, Planning Department Director, introduced the item. He explained that this item would amend the non-conforming use Section of the Code to allow hotels that are located, in this particular instance, on Belle Isle, that are legal non-conforming, to do renovations and construction work not to exceed 50% of what their existing buildings are. The purpose is to allow existing operating hotels to become more resilient. The hotels will keep the same amount of units, provide parking, and elevate the new structure. This effort was determined to be positive.

Vice-Mayor Steinberg agreed to go forward with this project, despite her hesitation towards non-conforming uses.

Commissioner Arriola stated that this will help renovate the historic nature of the hotels.

SUPPLEMENTAL MATERIAL 1: ATTACHMENT: ORDINANCE

C4F Referral To The Planning Board, Design Review Board And Historic Preservation Board. Proposed Ordinance Amendment To Chapter 138 Of The Land Development Regulations Pertaining To Signage.
(Sponsored by Commissioner Ricky Arriola)

ACTION: Item referred. **Thomas Mooney to place on the board agendas and to handle.**

SUPPLEMENTAL MATERIAL 1: ATTACHMENT: ORDINANCE

- C4G Referral To The Planning Board - Proposed Ordinance Amendment To Chapter 130 Of The Land Development Regulations Pertaining To Off-Street Parking.
(Sponsored by Commissioner Michael Grieco)

ACTION: Item referred. **Thomas Mooney to place on the board agenda and to handle.**

- C4H Referral To The Finance & Citywide Projects Committee To Consider Televising All City Special Master Hearings.
(Sponsored by Commissioner John Elizabeth Alemán)

ACTION: Item referred. **Allison Williams to place on the committee agenda. Tonya Daniels to handle.**

9:10:42 a.m.

- C4I Referral To The Land Use And Development Committee And The Planning Board - Discussion Regarding A Proposed Ordinance Change For North Beach Town Center Districts.
(Sponsored by Commissioner John Elizabeth Alemán)

ACTION: Item referred. Item separated by Vice-Mayor Steinberg and Commissioners Rosen Gonzalez and Malakoff. Motion made by Commissioner Malakoff; seconded by Commissioner Arriola to refer the item to Land Use And Development Committee (Land Use & Development Committee). **Thomas Mooney to place on the committee agenda and to handle.**

REFERRAL:

Land Use And Development Committee

Commissioner Malakoff suggested referring the item to Land Use & Development Committee and then to Planning. The City can expect a Master Planner's report in June. Making any changes before the City Commission is presented with the North Beach Master Plan is premature.

Commissioner Alemán stated that the North Beach Master Planning process is underway, and the first draft of the Master Plan will be out in June. Even if the item is referred to Committee, the earliest first reading can take place is in July, and then the earliest second reading can take place is in September. This leaves three months to review the Master Plan, conduct public outreach, and have workshops to fine tune and refine the Ordinance. She explained the proposal of the Ordinance is to increase height from 75 feet to 125 feet. The original 75 foot height was set without consideration of sea level rise.

Commissioner Rosen Gonzalez stated that from 2001 to 2007, the City permitted three (3) height increases; from 2007-2013, the City permitted two (2) height increases; yet from 2013 to present, the City has allowed 14 height increases. Buildings of great height cast shadows and create imbalances in scale. She is in favor of resilient height increases, because those are done to protect the charm of the area. She asked the City Commission to put extra thought into this proposal.

Mayor Levine stated that height should not be discussed at this meeting. The item will be referred to Committee and then it will return to the City Commission.

Vice-Mayor Steinberg requested not doing a dual referral, but instead have the item referred to Land Use & Development Committee and then to the Planning Board. She suggested looking at the first draft of the Master Plan, and agreed with Commissioner Malakoff's statement.

Nancy Liebman stated that there will be a height increase, but it will encompass the entire North Beach neighborhood. She asked the City Commission to make sure it does not become a free-for-all.

Commissioner Malakoff moved to refer the item to Land Use & Development Committee; seconded by Commissioner Arriola.

Handouts and Reference Materials:

1. Aerial map of CD-2 MXE Districts & RM-1, RM-2 & RM-3.

- C4J Referral To The Sustainability And Resiliency Committee To Consider Establishing A City Sustainable Procurement Policy.

(Sponsored by Commissioner John Elizabeth Alemán)

ACTION: Item referred. **Elizabeth Wheaton to place on the committee agenda. Alex Denis to handle.**

- C4K Referral To The Finance And Citywide Projects Committee To Work With Miami-Dade County Public Schools (MDCPS) To Assess The Viability And Interest In A City Of Miami Beach School Bus Service Within The 2-Mile Boundary Of School Bus Service Provided By MDCPS.

(Sponsored By Commissioner John Elizabeth Alemán)

ACTION: Item referred. **Allison Williams to place on the committee agenda. Jose Gonzalez and Dr. Leslie Rosenfeld to handle.**

- C4L Referral To Land Use And Development Committee To Discuss Revising The Cultural Arts Neighborhood District Overlay (CANDO).

(Sponsored by Commissioner Ricky Arriola)

ACTION: Item referred. **Thomas Mooney to place on the committee agenda and to handle.**

SUPPLEMENTAL MATERIAL 2: MEMORANDUM

- C4M Referral To Neighborhood/Community Affairs Committee To Discuss Battle At The Beach.

(Sponsored by Commissioner Ricky Arriola)

ACTION: Item referred. **Morgan Goldberg to place on the committee agenda. Max Sklar and Chief Oates to handle.**

9:00:30 a.m.

C4N Referral To The Neighborhood/Community Affairs Committee - Discussion Regarding Incorporating Low Floor Trolleys To Specifically Improve Accessibility For Seniors And The Disabled.

(Sponsored by Vice-Mayor Micky Steinberg)

ACTION: Item referred. Item separated by Commissioner Alemán. Motion made by Vice-Mayor Steinberg; seconded by Commissioner Alemán; Voice vote: 7-0. **Morgan Goldberg to place on the committee agenda. Jose Gonzalez and Valeria Mejia to handle.**

Commissioner Alemán stated that she separated this item due to the discussion that took place at the Disability Access Committee (DAC) regarding the difficulty many residents with disabilities have getting on the City's high-floor trolleys. The DAC wants to ensure that everyone has access to the trolleys, but she understands the cost of the low-floor trolleys is very expensive. The high-floor trolleys cost approximately \$160,000 each, and purchasing low-floor trolleys would add an additional \$1.2 million expense every year. One of the main concerns is that people who use wheelchairs must currently board at the trolley's rear, leaving them feeling vulnerable, because it is difficult to communicate with the trolley driver at the front. She proposed installing intercoms on the trolleys to facilitate the communication between wheelchair passengers and trolley drivers. This expense could be added to the current budget.

Vice-Mayor Steinberg stated that a few new low-floor trolleys should be incorporated to be part of existing routes, and help serve the community.

Discussion held.

Jose Gonzalez, Transportation Director, stated that this issue had been discussed during the previous summer, and at that time, only one company was manufacturing these vehicles; but since then, new vehicles have been produced. The decision the City Commission had made was to go forward with a "kneeling" high-floor vehicle, which has steps that are not as steep as the regular high-floor vehicles, and it uses a hydraulic system that lowers the trolley closer to the curb. He proposed to continue with the direction given.

Commissioner Rosen Gonzalez asked what the price difference is between the high-floor and low-floor trolleys.

Mr. Gonzalez replied that the high-floor trolleys cost \$160,000, while the low-floor trolleys cost \$310,000.

Vice-Mayor Steinberg stated that she would like to move forward, and have a comprehensive dialogue at the Neighborhood/Committee Affairs Committee.

SUPPLEMENTAL MATERIAL 1: MEMORANDUM

C4O Referral To The Finance And Citywide Projects Committee Meeting Of May 20, 2016 - Discussion Relating To City Clerk Rafael E. Granado's Annual Performance Evaluation.

(Sponsored by Mayor Philip Levine)

ACTION: Item referred. **Allison Williams to place on the committee agenda. Sylvia Crespo-Tabak to handle.**

ADDENDUM MATERIAL 1

- C4P Referral To The Sustainability And Resiliency Committee - Discuss Charging A 5¢ Fee On Plastic Bags Similar To That Approved By The New York City Council.
(Sponsored by Commissioner Kristen Rosen Gonzalez)

ACTION: Item referred. **Elizabeth Wheaton to place on the committee agenda and handle.**

C6 - Commission Committee Reports

- C6A Report Of The April 20, 2016 Land Use And Development Committee Meeting: **1.** Discussion Regarding A Complete Review Of Sign Ordinances. **2.** Proposed Comprehensive Plan Amendment Related To Sea Level Rise And Compliance With 2015 Florida Senate Bill 1094, Entitled "Peril Of Flood." **3.** Annual Evaluation Of Parking Impact Fee Structure. **4.** Discussion Regarding Potential Fiscal And Review Process Impacts Of Having All New Single Family Home Construction Reviewed By The Design Review Board. **5.** Discussion Regarding Incentivizing Workforce Housing In The Private Sector. **6.** Discussion Pertaining To Development Regulations And Guidelines For New Construction In The Palm View Historic District To Address Resiliency, Sustainability And Adaptation. **7.** CMB Preparations For Likely Passage Of State Medical Marijuana Constitutional Amendment. **8.** Discussion Pertaining To An Electronic Agenda System For All City Land Use Boards. **9.** Discussion Regarding Future Rooftop And Deck Accessory Bar Uses In The Sunset Harbour Neighborhood. **10.** Discussion Regarding Operational Regulations For Alcoholic Beverage Establishments South Of Fifth Street. **11.** Discussion Regarding Incentivizing The Retention, Raising And/Or Relocation Of Historic/Architecturally Significant Single Family Homes (SFH). **12.** Discussion On The Transit Hub On The 500 Block Of Alton Road. **13.** Discussion Regarding Non-Conforming Use Amendments.

ACTION:

- 1.** Discussion Regarding A Complete Review Of Sign Ordinances.

MOTION: JA/MG (3-0)

Recommend that the City Commission refer the item to the Historic Preservation Board, Design Review Board, and Planning Board with modifications to vacant storefront signage enforcement and non-conforming historic signage.

- 2.** Proposed Comprehensive Plan Amendment Related To Sea Level Rise.

MOTION: Continued to May 18, 2016 by acclamation.

- 3.** Annual Evaluation Of Parking Impact Fee Structure.

MOTION: MG/JA (3-0)

Include amendment regarding the removal of parking spaces for historic buildings into the overall Ordinance.

MOTION: JA/MG (3-0)

Recommend that the Ordinance be referred to the Planning Board with a modification that temporary parking lots only be allowed to exist for three years with the possibility of a two year extension by the Planning Board and that review of the fee in lieu of parking shall occur instead of may occur annually.

- 4.** Potential Fiscal & Review Process Impacts/SFH Construction Reviewed By DRB.

MOTION: Continued to May 18, 2016 by Acclamation and that an enabling Ordinance for a Board of Architects and a ballot question be drafted.

5. Incentivizing Workforce Housing In The Private Sector.**MOTION: MG/JA (3-0)**

Move the item and the above noted recommendations to the full City Commission for further discussion.

6. Development Regulations & Guidelines/Palm View Historic District.**MOTION:** Continue to June 15, 2016 by Acclamation.**7. Passage Of State Medical Marijuana Constitutional Amendment.****MOTION:** Continue THE ITEM to June 15, 2016 by acclamation.**8. Electronic Agenda System For All City Land Use Boards.****MOTION:** No action taken.**9. Future Rooftop & Deck Accessory Bar Uses In The Sunset Harbour Neighborhood.****MOTION:** The item was continued to May 18, 2016 by acclamation.**10. Operational Regulations For Alcoholic Beverage Establishments South Of Fifth Street.****MOTION: MG/JA (3-0)**

Continue the item to May 18, 2016 and direct staff to consider Frank Del Vecchio's language and prepare a draft Ordinance amendment.

11. Incentivizing Retention, Raising/Relocation Of Historic/Architecturally Significant SFH.**MOTION: JA/JM (2-0)**

That City staff researched additional incentives that would encourage single-family homeowners to renovate homes and continue the item to June 15, 2016 by acclamation.

12. Transit Hub On The 500 Block Of Alton Road.**MOTION:** The item was continued to May 18, 2016 by acclamation.**13. Discussion Regarding Non-Conforming Use Amendments.****MOTION: JA/JM (2-0)**

That a draft Ordinance, prepared by City staff, based on the proposal, be referred to the Planning Board.

C6B Report Of The April 15, 2016 Neighborhood/Community Affairs Committee Meeting: **1.** Discussion Regarding Revisions To The Beachfront Concession Rules And Regulations. **2.** Discussion Regarding A Competition Swimming Pool. **3.** Discussion Regarding Naming The Accessible Beach And Playground At Allison Park, 65th Street And Collins Avenue, "Sabrina's Beach And Playground At Allison Park". **4.** Update On Muss Park Pavilion. **5.** Discussion Regarding Proposed Site Options For New Fire Station No.1. **6.** Discussion Regarding Implementing A Rainbow Crosswalk At The Intersection Of Ocean Drive And 12th Street On Miami Beach. **7.** Discussion Regarding The Possible Addition Of A Skate Park In North Shore Open Space Park. **8.** Discussion On Encroachments In The Public Right-Of-Way. **9.** Traffic Management Alternatives Discussed At The February 24, 2016 Commission Workshop On Traffic Management. **10.** Discussion On Traffic Calming Efforts On Prairie Avenue And In Bayshore Neighborhood. **11.** March 9, 2016, Action Of The City Commission To Accept The Recommendation Of The Neighborhood/Community Affairs Committee To Keep And Renovate The Robert C. Haas Handball Court Building, And To Remove The Previously Approved Recommendation To Include Four Additional Single Wall Handball Courts And Four New Padel Courts, As These Items Are Recommended Not To Be Incorporated Into The Flamingo Park

Master Plan; And Recommending A Discussion Of Other Activities/Options For The Master Plan. **12.** Monthly Crime Update. **13.** Discussion And Action Plan Related To Combatting Illegal Short Term Rentals Citywide. **14.** Discussion On The City Of Miami Beach Conducting A Design Competition For An Iconic Crosswalk/Intersection On 12th And Ocean. **15.** Discuss Having ADA Accessible Playground Components In All City Parks. **16.** Discussion Regarding I-95 Express Lane Access To The Julia Tuttle Causeway.

ACTION:

1. Discussion Regarding Revisions To The Beachfront Concession Rules And Regulations.

MOTION: Vice Mayor Steinberg motioned to move this item to the full commission. Also to amend the 1 year period before the elimination of the food trailers to 2 years. Commissioner Alemán seconded with also amended to eliminate the buffer zones in between 2 private properties.

DIRECTION: Go to full commission.

2. Discussion Regarding A Competition Swimming Pool.

MOTION: Vote of acclamation for this to go to the full commission and then be referred to the Finance and Citywide Projects Committee.

3. Naming Accessible Beach/Playground, "Sabrina's Beach And Playground At Allison Park."

DIRECTION: Defer to May 15, 2016 Neighborhood/Committee Affairs Committee Meeting.

4. Update On Muss Park Pavilion.

NO ACTION TAKEN.

5. Discussion Regarding Proposed Site Options For New Fire Station No.1.

DIRECTION: Come back to May 15, 2016 Neighborhood/Committee Affairs Committee meeting to discuss further.

6. Implementing Rainbow Crosswalk/Intersection Ocean Drive & 12th Street On Miami Beach.

DIRECTION: Combine items 6 and 14 and come back with an update May 15, 2016 Neighborhood/Committee Affairs Committee meeting.

7. Possible Addition Of A Skate Park In North Shore Open Space Park.

DIRECTION: Vet all 3 options and have a town hall meeting for the public.

8. Discussion On Encroachments In The Public Right-Of-Way.

DIRECTION: Come back next month with a better picture.

9. Traffic Management Alternatives Discussed February 24, 2016 Commission Workshop.

DIRECTION: Defer to May 15, 2016 Neighborhood/Committee Affairs Committee Meeting.

10. Discussion On Traffic Calming Efforts On Prairie Avenue And In Bayshore Neighborhood.

NO ACTION TAKEN.

11. Accept Recommendation/Neighborhood/Committee Affairs Committee Keep-Renovate Robert C. Haas Handball Court Building.

MOTION 1: Vice Mayor Steinberg motioned to move forward with the Flamingo Master Plan. Commissioner Alemán seconded.

MOTION 2: Commissioner Alemán motioned to look to find a home for a batting cage close to any of our existing baseball facilities. Vice Mayor Steinberg seconded.

DIRECTION: Come back to Neighborhood/Committee Affairs Committee when a home is found for the batting cages.

12. Monthly Crime Update.

NO ACTION TAKEN.

13. Discussion And Action Plan Related To Combatting Illegal Short Term Rentals Citywide.

MOTION: Vote of acclamation to move the item to the full commission to have the Communications department initiate contact with realtors and post on social media.

14. CMB Conducting Design Competition/Iconic Crosswalk/Intersection On 12th And Ocean.

DIRECTION: Combine items 6 and 14 and come back with an update May 15, 2016 Neighborhood/Committee Affairs Committee meeting.

15. Discuss Having ADA Accessible Playground Components In All City Parks.

DIRECTION: Defer to May 15, 2016 Neighborhood/Committee Affairs Committee meeting.

16. Discussion Regarding I-95 Express Lane Access To The Julia Tuttle Causeway.

DIRECTION: Defer to May 15, 2016 Neighborhood/Committee Affairs Committee meeting.

SUPPLEMENTAL MATERIAL 1: MEMORANDUM

C6C Report Of The April 22, 2016 Finance And Citywide Projects Committee Meeting: **1.** Discussion Regarding Referral To The Neighborhood/Community Affairs Committee To Discuss Proposed Site Options For New Fire Station No. 1. **2.** Discussion Regarding The Creation Of The Ocean Court Green Alley, Española Way (East) Green Alley. **3.** Discussion To Consider And Explore The Impact Of A Car Sharing Pilot Program. **4.** Discussion Regarding A Review Of The Fine Schedule For Littering On The Beach. **5.** Discussion Regarding Miami New Drama Becoming The Resident Theater And Venue Manager For The Colony Theater As A Pilot Program. **6.** Discussion Regarding The Creation Of The City Of Miami Beach Transportation Fund. **7.** Discussion To Consider Adopting The Disability Access Committee's Request For The City To Support Power Access Inc. For Disability Awareness Events. **8.** Discussion To Consider The Closed Captioning For The Hearing Impaired Of The City's Video-Recorded Meetings And Events. **9.** Discussion Regarding The Vacation Of A Portion Of The Alley Between Alton Road And West Avenue, Just South Of 17th Street – As Part Of A Proposed Mixed Use Project That Will Include Residential, Retail And Structured Parking, Including Public Parking.

1. Referral To The Neighborhood/Committee Affairs Committee To Discuss Proposed Site Options For New Fire Station No. 1.

ACTION:

The Committee recommended staff bring this item back to Finance with a more detailed concept plan to include:

- ✓ Appraisal for the fair market value of the site;
- ✓ Consideration of the sea level when establishing the finished floor elevation of the facility;
- ✓ Plan for maintaining the Parks and Recreation Department and/or
- ✓ Police Athletic League operational during construction;
- ✓ Plan addressing temporary parking initiatives during construction; and
- ✓ More information on the aesthetics of Flamingo Park.

2. Creation Of The Ocean Court Green Alley, Española Way (East) Green Alley.**ACTION:**

The Committee recommended staff continue negotiations and bring this item back to Finance unless a deal can be made and the item can go to the City Commission. Finance Committee Chairman Arriola offered to sit in on the negotiations.

3. Consider And Explore The Impact Of A Car Sharing Pilot Program.**ACTION:**

The Committee recommended going to the City Commission for approval of a bid waiver in order to negotiate with Zip Car and a plan to include marketing the cars in visible locations.

4. Discussion Regarding A Review Of The Fine Schedule For Littering On The Beach.**ACTION:**

The Committee recommended staff re-evaluate the fine schedule for littering on the beach to include the following:

- a. First Offense: Warning
- b. Second Offense: \$100 Fine
- c. Third Offense: Progressively Worse

The Committee also recommended representatives are present from the Police Department and Code Compliance in bringing this item before the City Commission.

5. Miami New Drama Becoming Resident Theater & Venue Manager For Colony Theater.**ACTION:**

Item deferred.

6. Discussion Regarding The Creation Of The City Of Miami Beach Transportation Fund.**ACTION:**

The Committee moved to create a City of Miami Beach Transportation Fund specifically for the improved public transportation system. This item will be presented at the next Finance meeting as additional research is needed for a fund.

7. Consider Adopting Disability Access Committee's Request To Support Power Access Inc.**ACTION**

The Committee recommended a one-time waiver of fees for use of the Colony Theater for the non-profit entity, Power Access Inc., for their upcoming Disability Awareness Events.

8. Consider Closed Captioning For Hearing Impaired Of City's Video-Recorded Meetings.**ACTION:**

The Committee recommended staff bring this item back to Finance after meeting with the Disability Access Committee to evaluate if this would be the best use of limited City funds for the hearing impaired.

9. Vacation Of Portion Of Alley Between Alton Road & West Avenue.**ACTION:**

The Committee recommended staff and the Public Works Director meet with the applicant to close the gap between the two parties' discrepancies in their respective appraisals and negotiate the price so that this item can be placed on the May 11th City Commission agenda.

C7 - Resolutions

- C7A A Resolution Approving And Authorizing The City Manager, Or His Designee, To Apply For, Accept, And Appropriate Funding (Including Matching Funds And Any Related City Expenses), And Execute Any And All Documents Or Agreements In Connection With The Following Grants And Funding Requests: 1) Florida Department Of State, Division Of Cultural Affairs, Cultural Facilities Program, In The Approximate Amount Of \$500,000 For The Miami City Ballet Project; 2) Florida Department Of State, Division Of Cultural Affairs, Cultural Facilities Program, In The Approximate Amount Of \$500,000 For The Carl Fisher Clubhouse; 3) Florida Department Of Transportation, Transit Service Development Program, In The Approximate Amount Of \$400,000 For The Middle Beach Trolley; 4) US Department Of Transportation, Federal Highway Administration In The Approximate Amount Of \$3,000,000 For The Intelligent Transportation System And Parking Management Systems; And Retroactively For: 5) Harvard's Innovations In American Government Program In The Approximate Amount Of \$100,000 For The Health Connect In Our Schools Initiative; 6) US Department Of Homeland Security Pre-Disaster Mitigation And Flood Mitigation Assistance Programs In The Combined Approximate Amount Of \$2,500,000 For Mitigation Activities; 7) Florida Department Of State, Division Of Historical Resources, In The Approximate Amount Of \$50,000 For The Carl Fisher Clubhouse; 8) The Miami Foundation's Public Space Challenge For Cultural And Arts Projects; 9) Miami-Dade County's Neat Streets Program In The Approximate Amount Of \$15,000 For A Reforestation Project; And Renewal Of The Following Two Grants: 10) Children's Trust, Out Of School Program In The Approximate Amount Of \$450,000; And, 11) Children's Trust Parenting And Home Visitation Program In The Approximate Amount Of \$250,000.
(Budget & Performance Improvement)

ACTION: Resolution 2016-29381 adopted. Cintya G. Ramos to appropriate the funds if accepted. **Judy Hoanshelt to handle.**

- C7B A Resolution Authorizing The Mayor And The City Clerk To Execute A Revised And Expanded Utility Easement With Florida Power & Light (FPL), At The West Palm Midway Median, Within Lot B Of Hibiscus Island, As Recorded In Plat Book 8, Page 75, Of The Public Records Of Miami-Dade County; For The Installation And Maintenance Of Conduits, Switch Cabinets, And A Capacitor Bank In Order To Provide Underground Electrical Services To The Island; A Copy Of Which Revised Easement Is Attached Hereto As Exhibit A.
(Capital Improvement Projects)

ACTION: Resolution 2016-29382 adopted. David Martinez to handle.

- C7C A Resolution Approving And Authorizing The City Manager To Recapture \$111,313.24 Of FY 2011/2012 Community Development Block Grant (CDBG) Funds And \$46,422.76 Of FY 2014/2015 CDBG Funds; And Approving A Substantial Amendment To The FY 2011/2012 And FY 2014/2015 Action Plans, And An Amendment To The FY 2013 Through 2017 Consolidated Plan, To Reallocate Said CDBG Funds, In The Total Sum Of \$157,736, To The Lottie Apartments - Rehabilitation And Relocation Project; Authorizing The City Manager To Submit The Requisite Revised Action Plans And Consolidated Plan To The U.S. Department Of Housing And Urban Development (HUD); And Further Authorizing The Mayor And City Clerk To Execute Agreement(s) For Sub-Recipient(s) And The City Manager To Execute City Interdepartmental Agreements.

(Housing & Community Services)

ACTION: Resolution 2016-29383 adopted. Maria Ruiz to handle.

- C7D A Resolution Authorizing The City Manager And City Clerk To Execute A Voluntary Cooperation And Operational Assistance Mutual Aid Agreement With The City Of Aventura, Florida, For The Purpose Of Coordinating Law Enforcement Planning, Operations And Mutual Aid Benefit Between The City Of Miami Beach, Florida And The City Of Aventura, Florida.

(Police)

ACTION: Resolution 2016-29384 adopted. Police Chief Daniel Oates to handle.

- C7E A Resolution Authorizing The City Manager And City Clerk To Execute A Renewed Regional Law Enforcement Exchange Memorandum Of Understanding Between The City Of Miami Beach, On Behalf Of The Miami Beach Police Department, And The Florida Department Of Law Enforcement, Which Shall Allow The Miami Beach Police Department To Access And Share Various Criminal Justice Information That Is Contained In Both The Law Enforcement Records Of Participating Florida Law Enforcement Agencies Throughout The State Of Florida And Within The Federal Bureau Of Investigation's National Data Exchange System.

(Police)

ACTION: Resolution 2016-29385 adopted. Police Chief Daniel Oates to handle.

- C7F A Resolution, Waiving, By 5/7th Vote, The Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City, And Authorizing The City Manager, Or His Designee, To Enter Into A One-Year Agreement Between The City Of Miami Beach And ParkMe, Inc., For The Miami Beach Parking Application, Based On The Same Terms As The City's Prior Agreement With ParkMe, Inc.

(Parking)

ACTION: Resolution 2016-29386 adopted. Saul Frances to handle.

- C7G A Resolution Accepting The City Manager's Recommendation And Authorizing The City Manager And City Clerk To Execute An Additional Services Agreement With Tyler Technologies, Inc. (Previously New World Systems Corporation) To Provide Custom Effective Response Force Software Enhancements To The Computer Assisted Dispatch (CAD) System For The City's Fire Department, In An Amount Not To Exceed \$45,000.
(Procurement)

ACTION: Resolution 2016-29387 adopted. Alex Denis to handle.

- C7H A Resolution Accepting The Recommendation Of The City Manager (As Set Forth In The City Commission Memorandum Accompanying This Resolution) And Waiving, By A 5/7th Vote, The Formal Competitive Bidding Requirement, Finding Such Waiver To Be In The City's Best Interest; And Approving The Vendors Listed In Exhibit A To This Resolution For The Purchase Of Food And Snacks, Rides And Inflatables, And Other Program Expenses To Be Used By The Participants Of The City's Parks And Recreation Department's After-School Programs, Summer Camps, Special Events And Other Programmed Activities; Said Waiver Shall Be Authorized For A Period Of Three (3) Years, On A Year-To-Year Basis, Contingent Upon City Commission Approval Of The Department's Related Budget Allocation(s) During The Adoption Of The City's Annual Budget, In An Annual Amount Not To Exceed \$270,000.
(Parks & Recreation)

ACTION: Resolution 2016-29388 adopted. John Rebar to handle.

- C7I A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Firms, Pursuant To Request For Qualifications (RFQ) No. 2016-057-WG For Investigation, Background, Adjusting And Surveillance Of Selected Tort Liability Claims, Workers' Compensation Claims And Other Employment Related Matters And Authorizing The Administration To Enter Into Negotiations With The Three Top-Ranked Proposer(s), Digistream South Florida, Inc., Proven Investigations, LLC And Crossroads SDI, Inc.; And Further Authorizing The Mayor And City Clerk To Execute Agreements Upon Conclusion Of Successful Negotiations By The Administration.
(Procurement/Human Resources)

ACTION: Resolution 2016-29389 adopted. Alex Denis and Sylvia Crespo-Tabak to handle.

- C7J A Resolution Authorizing, As A Sole Source Purchase, The Purchase Of Spirax Sarco Meter Systems Equipment, Parts, Software, Service And Related Items, Pursuant To Section 2-367 (d) Of The Miami Beach City Code, For The City's Satellite City Flow Metering Systems, From G-Tec Equipment Services, LLC, The Exclusive Agent For Spirax Sarco Meter Systems Equipment, Parts, Software, Service And Related Items In The City's Geographic Region In An Amount Not To Exceed The Availability Approved Annual Budget For These Items.
(Procurement/Public Works)

ACTION: Resolution 2016-29390 adopted. Alex Denis and Eric Carpenter to handle.

- C7K Alton Road - Michigan Avenue To 43rd Street - JPA Watermain
A Resolution Approving And Authorizing The City Manager To Execute An Agreement With The Florida Department Of Transportation (FDOT) To Design, Relocate And Upgrade City-Owned Utilities Located Along FDOT's State Road (S.R.) 907/Alton Road, From Michigan Avenue To 43rd Street (FM # 429193-1-56-01), A Copy Of Which Agreement Is Attached Hereto As Exhibit 1; And The Required Three Party Escrow Agreement, A Copy Of Which Agreement Is Attached Hereto As Exhibit 2.

(Public Works)

ACTION: Resolution 2016-29391 adopted. Eric Carpenter to handle.

- C7L FDOT - Indian Creek Resurfacing - 63rd Street - Abbott (60% Plans) Bus Stop Easement
A Resolution Authorizing A Perpetual Non-Exclusive Easement Between The City Of Miami Beach ("City") And The State Of Florida Department Of Transportation ("FDOT"), Attached Hereto As Exhibit 1; For The Purpose Of FDOT Maintaining And Repairing A Sidewalk And A Portion Of A Bus Bay On City Property Known As The "Ronald W. Shane Watersports Center," Located At 6500 Indian Creek Drive, Along The West Side Of Collins Avenue, North Of 65th Street.

(Public Works)

ACTION: Resolution 2016-29392 adopted. Eric Carpenter to handle.

- C7M Alton Road - 43rd Street - 63rd Street - JPA Watermain
A Resolution Approving And Authorizing The City Manager To Execute An Agreement With The Florida Department Of Transportation (FDOT) To Design, Relocate And Upgrade City-Owned Utilities Located Along FDOT's State Road (S.R.) 907/Alton Road From Ed Sullivan Street/43rd Street To 63rd Street (FM # ID 430444-1-56-01), A Copy Of Which Agreement Is Attached Hereto As Exhibit 1; And The Required Three Party Escrow Agreement, A Copy Of Which Agreement Is Attached Hereto As Exhibit 2.

(Public Works)

ACTION: Resolution 2016-29393 adopted. Eric Carpenter to handle.

- C7N A Resolution Approving And Authorizing The Acceptance Of Donations Of Hotel Rooms Made To The City For Memorial Day Weekend.

(Tourism, Culture & Economic Development)

ACTION: Resolution 2016-29394 adopted. Max Sklar to handle.

9:18:15 a.m.

- C7O A Resolution Approving, In Substantial Form, The Interlocal Agreement Attached To This Resolution Between The City And Miami-Dade County For Surface Water Quality Sampling And Analysis, Subject To Legal Review And Form Approval Of The Final Negotiated Agreement By The Office of the City Attorney; Said Agreement Having A Term Of Five (5) Years, Commencing On October 1, 2015 And Ending On September 30, 2020, In An Amount Not To Exceed \$85,000; And Further Authorizing The Mayor And City Clerk To Execute The Final Negotiated Agreement.
(Environment & Sustainability)

ACTION: Resolution 2016-29395 adopted. Item separated by Commissioner Rosen Gonzalez. Motion made by Commissioner Rosen Gonzalez to present water quality status reports at to the Sustainability & Resiliency Committee; seconded by Vice-Mayor Steinberg; Voice-vote: 7-0. **Elizabeth Wheaton to handle.**

Commissioner Rosen Gonzalez stated that she is pleased with the Interlocal agreement the City entered with Miami-Dade County regarding water quality sampling, but she wants to make sure that every Commission Meeting, or every two months they have a report on the quality of water.

Mayor Levine suggested reviewing the water quality report status update at the Sustainability & Resiliency Committee, and not the City Commission.

- C7P A Resolution Authorizing The City Manager To Award, Through A Competitive Selection Process, Up To Four (4) Grants Totaling \$60,000, For Scholarships And Contributions To Philanthropic Organizations With An Emphasis On The Environment And Sustainability, Which Grants Shall Be Funded Through The City's Public Beachfront Concession Agreement With Boucher Brothers Miami Beach LLC, And The City's Service Agreement With The City's Franchise Waste Haulers.
(Environment & Sustainability Department)

ACTION: Resolution 2016-29396 adopted. Elizabeth Wheaton to handle.

- C7Q A Resolution Consenting To The Settlement Of A Personal Injury Claim Filed By Rafael Cabrera Rosario Against The City Of Miami Beach, And Authorizing The Payment Of \$150,000 From The City's Risk Management Fund To Settle The Claim, Pursuant To Section §768.28 Of The Florida Statutes; And Further Authorizing The Office Of Risk Management To Execute Any And All Settlement Documents.

(Human Resources)

ACTION: Resolution 2016-29397 adopted. Sylvia Crespo-Tabak to handle.

9:44:57 a.m.

C7R A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee to Waive, By 5/7th Vote, The Competitive Bidding Requirement; And Authorizing The Administration To Negotiate An Agreement With Zipcar Incorporated For Car Sharing Services; And Further Directing The Administration To Present The Final Negotiated Agreement To The Mayor And City Commission Prior To Execution.

(Parking)

ACTION: Resolution not adopted. Item separated by Vice-Mayor Steinberg. **Saul Frances to handle.**

DIRECTION:

Come back with creative and open options.

Do an industry review.

Vice-Mayor Steinberg asked, for clarification on the item, what is the difference between this agreement and the agreements that have repeatedly failed.

Saul Frances, Parking Department Director, clarified that CAR2GO N.A., LLC ("C2G"), was the previous car-sharing provider; and their business model is somewhat different from the Zipcar model. CAR2GO was a smart car; there was an App to locate vehicles throughout the City, but it was limited in that it was just a smart car. The Zipcar is a different business model; there are different types of vehicles that could be used and essentially, they reserve spaces throughout the City that might be on street and/or off street, and could be in garages. The vehicles could be branded as well, similar to CAR2GO, but it offers a wide range of vehicles for people to use.

Vice-Mayor Steinberg asked if they are only referring to the different sizes of vehicles, or vehicle options.

Mr. Frances added that this is the last provider the City can pursue, as far as major providers of car-sharing services; initially it was Hertz, and they were strictly in garages, so there was limited availability to them.

Vice-Mayor Steinberg suggested that instead of trying a modified version again, to come up with something that they feel will be successful by having all providers come to the table to give the City options, to have the best chance for success for residents to use a car share program.

Commissioner Alemán concurs with Vice-Mayor Steinberg in that this is not without a cost to the City. The City has to carve out parking throughout the City to dedicate to the car share provider and she is concerned with that and the idea of depriving residents of parking spaces.

Commissioner Rosen Gonzalez asked if CAR2GO is successful in other cities.

Mr. Frances explained that they have been successful in other cities; however, any venues they had that are close margins, they are pulling those back, and apparently, South Florida, Miami and Miami Beach were one of those. Zipcar has not been in any public agency other than perhaps Florida International University (FIU) and other universities, but they have not had a municipal setting in Florida.

Commissioner Rosen Gonzalez added that CAR2GO went through the bidding qualification process, but did not sign the application.

Mayor Levine stated that some businesses work under the same conditions, but at times, the business model does not make sense anymore, and he believes this is what happened to CAR2GO.

Vice-Mayor Steinberg is not ready to move forward, award a contract or a pilot program, without negotiating this and thinking outside the box to see how they can make it work.

Mr. Frances recommended going through a formal competitive procurement process.

Vice-Mayor Steinberg suggested going out to bid but without including, the same benchmarks provided the last time. There has to be a better method of doing it with the options available.

Mr. Frances explained that they could allow the bidding and be creative and open.

City Manager Morales stated that this is something the private sector has created, and he does not want any expectations that the City is going to come up with a new model of business. They can open it out to bid for ideas.

Discussion held.

Mayor Levine stated that this particular business model does not work.

Commissioner Alemán stated that a pilot program might be more interesting, rather than spending the money on a procurement process that no one wants.

Mayor Levine recommended to come back with creative ideas.

Commissioner Malakoff added that the provider needs to commit to marketing dollars.

End of Consent Agenda

REGULAR AGENDA**R5 - Ordinances****10:10:42 a.m.**

R5A Freeboard And Development Regulations - Grade Elevations And Height

1. An Ordinance Amending Subpart A - General Ordinances, Of The City Code, By Amending Chapter 54 "Floods" At Section 54-35, "Definitions," By Amending The Definitions For Base Flood Elevation, Crown Of Road, And Freeboard, And By Creating Definitions For Centerline Of Roadway, Critical Facility, Future Crown Of Road, Minimum Freeboard, Maximum Freeboard, Green Infrastructure, Low Impact Development (LID), And Surface Stormwater Shallow Conveyance; By Amending Section 54-45, "Permit Procedures," To Require A Stormwater Management Plan; By Amending Section 54-47, "General Standards," To Prohibit Septic Sewage Systems, And Include Requirements For Storage Of Hazardous Materials; By Amending Section 54-48, "Specific Standards," To Clarify The Minimum Elevation Of The Lowest Finished Floor For Residential And Non-Residential Construction, And Requiring A Minimum Elevation For Garage Entrances; By Amending Section 54-51, "Standards For Coastal High Hazard Areas (V-Zones)," To Clarify The Minimum Elevation Of The Lowest Floor Of All New Construction And Substantial Improvements; Providing Codification; Repealer; Severability; And An Effective Date. **10:05 a.m. Second Reading Public Hearing**

(Sponsored By Commissioner Joy Malakoff)

(Legislative Tracking: Planning)

(First Reading on April 13, 2016 - R5D1)

ACTION: Title of the Ordinance read into the record. Public Hearing held. **Ordinance 2016-4009 adopted as amended.** Motion made by Commissioner Malakoff; seconded by Commissioner Alemán; Ballot-vote: 7-0. **Thomas Mooney to handle.**

AMENDMENTS:

- Effective date after June 8, 2016
- Exceptions:
- Ordinance shall not apply to anyone who filed a completed application package for a City Land Development Board, on or before June 8, 2016
- Ordinance shall not apply to anyone who obtains a building permit process number from the Building Department on or before June 8, 2016.

Thomas Mooney, Planning Department Director, introduced the item and stated that the presentation is for both R5A-1 and R5A-2. Staff was directed to look at the guidelines for raise yards and they came up with revised text that would limit the height of retaining walls within the first four (4) feet of a yard, as well as the side yard facing the street, to be no more than 30" above the adjacent sidewalk or at Grade elevation; beyond that retaining walls would be limited to 30" above the adjacent grade, as well as the yards being limited to no more than 11%. These requirements will help better transition the raised yards from neighboring properties that might have yards much closer to the sidewalk. Additionally they have suggested some design standards regarding the finish of the wall, which will vary by property. The changes have been incorporated into the Ordinance for second reading.

Commissioner Malakoff informed that this item has been discussed at the Land Use & Development Committee, at Planning, with a unanimous vote in favor, at the Sustainability

Committee and at the Mayor's Blue-Ribbon Panel on Flooding. To paraphrase Abraham Lincoln: *"We cannot avoid the responsibilities of tomorrow by abating them today."* She suggested taking a step forward to make sure Miami Beach is resilient for the future and for resilience and sustainability over time. With reference to page 410, regarding substantial improvements to the structure taking place within the one-year period; she asked what happens if there is an addition to a two-story home, and the addition is on top of the single-family home? How can they make that home resilient and sustainable? And for a two-story home, when adding a larger edition next door to it within the lot coverage and raise the addition up as required; how does that work with the Adjusted Grade with the home that remains?

Mr. Mooney stated that this is a challenge. If the proposed substantial renovation of a home stays below the 50%, as determined by the Building Official, then they would not be required to raise the finish for the existing home. The new construction would have to comply with the current minimum flood elevation.

Commissioner Rosen Gonzalez thinks they should raise the 50% and let people determine their own fate. If they are going to build a new house, they will build it with the regulations up high at 60% or 70%. She feels they are over regulating this.

Eve Boutsis, Chief Deputy City Attorney, explained that this is under the Florida Building Code and the City does not have authority to amend.

Mr. Mooney stated that they have looked at that requirement, which is under the Florida Building Code, and that number can only be adjusted if the Legislature amends the Building Code.

Commissioner Rosen Gonzalez gave an example of a conversion of a garage and kitchen renovation, and the structure is incompatible with the rest of the home; do they have to impose this now?

Vice-Mayor Steinberg clarified that it is a voluntarily imposed finish; it is not that the City is mandating; they are requiring BFE+1.

Discussion held.

Commissioner Rosen Gonzalez added that this is great for the future, but is not sure they should exaggerate, as this is the final reading. She suggested that as people come in and update their homes, especially in the Building Department, that they understand that there are people who live and own homes in North Beach that may not be able to afford this.

Commissioner Malakoff stated that they can do one structure at a time per year.

Eve Boutsis, Chief Deputy City Attorney, announced that there is one portion that has not been adopted yet, which is all of the definitions in both Sections in Chapter 54 and 118, reference the Public Works manual for a future grade, and they are bringing that in June. They would like to see the effective date after the June Meeting.

Motion made by Commissioner Malakoff.

Matthew Amster, Esq., representing single-family homeowners, is supportive of the Ordinance, and there are a number of projects already in the pipeline, development board

applications and building permits. He added that Eve and Tom are supportive of the exception language tied to the June 8 date, this Ordinance should not apply to anyone who filed a completed application package for a City Land Development Board, on or before June 8, 2016, or anyone who obtains a building permit process number from the Building Department on or before June 8, 2016.

Commissioner Malakoff suggested adding the exception for both R5A-1 and R5A-2; however, she suggested that professionals advise their clients with single-family homes that they are better off doing it at base flood of at least +1 so they build for the future.

Handouts and Reference Materials:

1. Ad in The Miami Herald No. 1152

10:20:23 a.m.

2. An Ordinance Amending The City's Land Development Regulations, By Amending Chapter 114, "General Provisions," At Section 114-1, "Definitions," By Amending The Definitions For Grade, Future Adjusted Grade, And Building Height, And To Establish By Reference To Chapter 54-35 Definitions For Base Flood Elevation, Crown Of Road, Future Crown Of Road, Freeboard, Minimum Freeboard, Maximum Freeboard, Green Infrastructure, Future Adjusted Grade, And Surface Stormwater Shallow Conveyance; By Amending Chapter 142, "Zoning Districts And Regulations," Division 2, "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," By Amending And Clarifying The Maximum Elevation Within A Required Yard And Providing A Minimum Elevation Requirement For New Construction, And Amending How Maximum Building Height Is Calculated; Providing Codification; Repealer; Severability; And An Effective Date. **10:06 a.m. Second Reading Public Hearing**

(Sponsored By Commissioner Joy Malakoff)

(Legislative Tracking: Planning)

(First Reading on April 13, 2016 - R5D2)

ACTION: Title of the Ordinance read into the record. Public Hearing held. See action and comments with R5A-1. **Ordinance 2016-4010 adopted as amended.** Motion made by Commissioner Malakoff; seconded by Commissioner Rosen Gonzalez; Ballot-vote: 7-0. **Thomas Mooney to handle.**

Thomas Mooney, Planning Department Director, requested that the amendments and exemptions included in R5A-1 be incorporated to R5A-2 as well.

AMENDMENTS:

- Effective date after June 8, 2016
- Exceptions:
 - Ordinance shall not apply to anyone who filed a completed application package for a City Land Development Board, on or before June 8, 2016
 - Ordinance shall not apply to anyone who obtains a building permit process number from the Building Department on or before June 8, 2016.

Handouts and Reference Materials:

1. Ad in The Miami Herald No. 1152

10:22:01 a.m.

R5B Unified Development Sites And FAR Distribution

An Ordinance Amending Chapter 118, Entitled "Administration And Review Procedures," Article I Entitled "In General" At Section 118-5, Entitled "Unity Of Title; Covenant In Lieu Thereof;" Chapter 114, Entitled "General Provisions," At Section 114-4, Entitled "Compliance With Regulations Required;" And Chapter 142, Entitled "Zoning Districts And Regulations," Article II Entitled "District Regulations," Division 1, Entitled "Generally," At Section 142-73, Entitled "Interpretation Of District Boundaries;" In Order To Clarify Procedures For The Movement Of FAR Within Unified Development Sites With Differing Zoning Districts; Providing For Enforcement And Penalties; And Providing For Repealer, Codification, Severability, And An Effective Date. **10:10 a.m. Second Reading Public Hearing**

(Sponsored By Commissioner Michael Grieco)

(Legislative Tracking: Planning)

(First Reading on April 13, 2016 - R5E)

ACTION: Title of the Ordinance read into the record. Public Hearing held. **Ordinance 2016-4011 adopted.** Motion made by Commissioner Grieco; seconded by Commissioner Alemán; Ballot-vote: 6-0; Absent: Vice-Mayor Steinberg. **Thomas Mooney to handle.**

Thomas Mooney, Planning Department Director, introduced the item, which includes a minor amendment, as requested, to clarify further that the allowable unified site of different zoning districts would not include residential districts, and would be limited to commercial and mixed-use districts only.

Handouts and Reference Materials:

1. Ad in The Miami Herald No. 1152

10:24:44 a.m.

R5C An Ordinance Amending Chapter 2 Of The Code Of The City Of Miami Beach, Entitled "Administration," Article VI, "Procurement," Division 3, "Contract Procedures," By Creating Section 2-376, Entitled "Fair Chance Requirement For City Contractors," And Amending Chapter 62, "Human Relations," By Creating Article V, To Be Entitled The "Fair Chance Ordinance," To Provide Regulations Regarding The Consideration By The City And By City Contractors Of The Criminal History Of Applicants For Employment, And To Provide Limiting Provisions; And Providing For Repealer, Severability, Codification, And An Effective Date. **10:15 a.m. Second Reading Public Hearing**

(Sponsored By Commissioner Michael Grieco)

(Legislative Tracking: Office of the City Attorney/Human Resources/Procurement)

(First Reading on April 13, 2016 - R5G)

ACTION: Title of the Ordinance read into the record. Public Hearing held. **Ordinance 2016-4012 adopted as amended.** Motion made by Commissioner Grieco; seconded by Vice-Mayor Steinberg; Ballot-vote: 6-0; Absent: Commissioner Alemán. **Office of the City Attorney, Sylvia Crespo-Tabak and Alex Denis to handle.**

AMENDMENT:

Amend Section 2-378(a), beginning on December 1, 2016, to delay enforcement of the procurement portion by six months in order to educate properly potential bidders and contractors in the community. **Alex Denis to handle.**

Nick Kallergis, Assistant City Attorney I, introduced Commissioner Grieco's item, which is

legislation to "Ban the Box", prohibiting the City, as an employer, from inquiring into the criminal history of an applicant for employment until the applicant is given a conditional offer of employment. At that stage, the Ordinance would impose certain requirements on how the City considers an applicant's criminal history, if such history exists. The Ordinance will impose the same requirements on City contractors. There has been a suggestion to delay enforcement of the procurement portion by six months to educate potential bidders and contractors in the community. If the City Commission were to adopt that amendment, they could add beginning on December 1, 2016 to section 2-378(a).

Commissioner Grieco stated that if adopted, he would include this amendment to Section 2-378(a) as suggested.

Jeffrey Hearn, President of the ACLU Greater Miami Chapter, thanked the City Commission for supporting this, and Commissioner Grieco in particular for bringing it to the Commission Agenda. They believe this Ordinance will go a long way in decreasing racial disparities and hiring in Miami Beach. However, they would like to encourage the City Commission to expand the Ordinance to all employers on Miami Beach. They know this is a great first step and they support it, but asked the City Commission to take it further.

Commissioner Grieco moved the item as amended; seconded by Vice-Mayor Steinberg.

Handouts and Reference Materials:

1. Ad in The Miami Herald No. 1152

11:45:34 a.m.

SUPPLEMENTAL MATERIAL 3: MEMORANDUM, LETTER OF SUPPORT & ORDINANCE

R5D Ocean Terrace Overlay - LDR Amendments

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article III "Overlay Districts," Creating Division 10 "Ocean Terrace Overlay", To Modify The Applicable Setbacks And Allowable Encroachments, Increase The Allowable Height To 235 Feet For Residential Uses And 125 Feet For Hotel Uses, To Limit The Maximum Floorplate Of The Tower Portion Of New Buildings, To Provide A Minimum Building Separation For The Tower Portion Of New Buildings, To Modify The Allowable Main, Conditional, Accessory And Prohibited Uses; Providing For Repealer; Severability; Codification; And An Effective Date. **10:55 a.m. First Reading Public Hearing**

(Sponsored by Commissioner Joy Malakoff)
(Legislative Tracking: Planning)

ACTION: Title of the Ordinance read into the record. Public Hearing held. **Ordinance adopted on first reading with recommendations.** Motion made by Commissioner Malakoff; seconded by Commissioner Alemán; Ballot-vote: 6-1; Opposed: Commissioner Rosen Gonzalez. Second reading, Public Hearing scheduled for **June 8, 2016**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda. **Thomas Mooney to handle.**

City Clerk's Note: City Clerk Granado announced that Commissioner Grieco had to step out of the room, but that he wanted his vote to be recorded as a "yes."

Pursuant to Section 2-13 of the Code, a motion accepting the Land Use and Development Committee's recommendation of this Ordinance was made by Commissioner Malakoff, seconded by Commissioner Arriola; Voice-vote: 7-0.

RECOMMENDATIONS:

- ✓ Consider the Overlay Ordinance Amendment on First Reading, in accordance with staff recommendations.
- ✓ Second Reading Public Hearing scheduled for June 8, 2016
- ✓ Planning Department to meet with developers, with Richard J. Heisenbottle, the historic architect, with Cesar Pons, Urban Planner, to iron out any of these modifications recommended in the second version, and make sure pedestrian view is as promised, in scale with the neighborhood and that quality of life is ensured

Thomas Mooney, Planning Department Director, introduced the item, which was endorsed by the Land Use Committee and Planning Board; the previous Ordinance required voter approval of FAR increase, and that increase was not approved by the voters in November. The Ordinance coming back for first reading excludes the previously proposed FAR increase. The proposer has also made minor adjustments to the overall height that was previously proposed, but the Ordinance submitted as part of the proposal, is almost identical to what previously came before the City Commission, excluding the FAR increase. After evaluating the proposal, the Administration felt that some addition and modifications would be in order to ensure that the proposer's vision, having a low scale around the perimeter of the proposed Overlay could be realized and codified without being overly descriptive. As part of their recommendation, they included text that could be considered by the City Commission.

Commissioner Malakoff stated that there have been a lot of pros and cons on the item for some time and it is evenly divided, but a lot seems to be concentrated on height. She stated, with reference to the height of buildings, that Jonathan Rose, a leading member of the Urban Land Institute, has said that the City's zoning should focus on outcomes, the quality of life, rather than the height of buildings. When driving by Ocean Terrace today, the view is of dilapidated buildings, no retail stores or restaurants to visit, and she thinks that the development of Ocean Drive Terrace, under the newer plans, which also include greater setbacks from the neighbors at St. Tropez, and other items as well as the covenant; that she believes this is something they should move forward at this time. However, before second reading, she requested the Planning Department to meet with the developers, with Richard J. Heisenbottle, the historic architect, with Cesar Pons, Urban Planner, to iron out any of these modifications recommended in the second version, which Mr. Mooney presented.

Vice-Mayor Steinberg stated that this is not a public hearing, but requested the public to be heard in support and in opposition.

Commissioner Rosen Gonzalez asked if, procedurally, this has to go to the Planning Board before they are even allowed to vote today. This Ordinance has not gone before the Planning Board, there are no renderings, and under the City Charter, they cannot vote on this today because it has to go to the Planning Board first.

Eve Boutsis, Chief Deputy City Attorney, informed that this is the same Ordinance, with the exclusion of the FAR, and that it has gone in front of the Planning Board.

Discussion held regarding policy and procedures.

Mr. Kasdin, representing Ocean Terrace Holdings, introduced Richard J. Heisenbottle, historic architect, and Cesar Pons, Urban Planner. He stated that 1) there are many people who have romanticized what Ocean Terrace was about, what it can be in the future, and what it is today. He read an article from The Miami Herald about the reality of Ocean Terrace, defining the area as "a

half-dead swath of beachfront hotel along the City's North Shore, most of them shuttered, in need of resuscitation." That is Ocean Terrace today. Sandor Scher and his team have proposed to revitalize Ocean Terrace to make it a great neighborhood. The proposal now is significantly different from what was presented to the voters recently; it has eliminated any increase in FAR. It has reduced the increase in height requested, from 250 feet to 235 feet. It has increased the setback of the tower along Ocean Terrace from 30 feet to 50 feet, and now Sandor will voluntarily agree to reduce it further to 55-foot setback for the tower. They have undertaken considerable outreach to the community. The neighboring property owners, including the St. Tropez Condominium Association's board has unanimously endorsed this zoning amendment. The Altos Del Mar Neighborhood Association has also endorsed this. They have had many meetings with community leaders, neighborhood leaders, community visioning meeting; proposals were presented to the City Commission and in addition they brought onboard Richard J. Heisenbottle, a noted architect specializing in historic preservation, and who has done a very detailed analysis of each and every property on that block between 74th and 75th Street; identifying those with great historic importance and those of lesser historic importance. Also coming up with a vision of how one could conserve the most important historic building and façades. Cesar Garcia Pons, noted planner, who was the planner for Lummus Park Neighborhood almost 20 years ago, is also onboard. Together they have mapped out a vision of a revitalized Ocean Terrace, which includes saving appropriate historic resources, building new street level development, and renovation that keeps the appropriate scale, and serving as a resource and a gateway for the entire neighborhood. The plan has been modified and the issues have been dealt with deeply. He submitted, for the record, 88 letters and communication received from neighbors and associations in support of this.

Mayor Levine explained that first reading does not require public comment, but he will allow some public comment. However, he suggested allowing one-minute for each speaker, and possibly come back at the 1:00 p.m. Sutnick Hour and speak at that time.

Commissioner Rosen Gonzalez reiterated that this is a controversial item that needs to go to the Planning Board, because this is a new City Commission, and after 60 days, the recommendations of the Planning Board are not considered current. She suggested referring the item back to the Planning Board.

Raul J. Aguila, City Attorney, explained that this Ordinance has been in front of the Planning Board already, and what is before this Commission is the same Ordinance without the FAR, which is what did not pass in the referendum. He thinks that Commissioner Rosen Gonzalez is requesting that this Ordinance be reviewed by Planning Board as a matter of policy; however, there is not a legal requirement.

Discussion held.

The following individuals spoke in support and opposition of the item:

Brad Bonessi
Harold Brown
Jerry Libbin regarding Neighborhood Conservation District
Kirk Pascal
Marc Keller
Nancy Liebman
Paula Kane
Tanya K. Bhatt
William Battagli

Discussion held.

Motion made by Commissioner Malakoff, with the instruction that between first and second reading the developer meet with the Planning Department to work out and make sure the pedestrian view is going to be as promised, that it will be in scale with the neighborhood, and that the quality of life is ensured; and that what they are saying they are going to do will be done. Seconded by Commissioner Alemán.

Vice-Mayor Steinberg stated that she was the only “no” vote at the time this item originally came before the City Commission; however, the project as presented today, is light years better and she can support it now. In order for her vote, she requested that the language in the Ordinance needs to reflect exactly what was presented to her. For the process to move forward on first reading, she will vote yes, but on second reading, they need to work on language and perhaps refer to Planning Board, as a compromise between first and second reading. She will vote on second reading in support, only if the language presented to them is actually protecting the low scale neighborhood, keeping in context, with language that staff recommended.

Discussion held.

Mayor Levine stated that there is no consensus for a referral to Planning.

Commissioner Rosen-Gonzalez made reference to Section 118-164 of the City Charter, it recommends that a Planning Board decision after 60 days is stale, and this opens the City to litigation; they are not following the correct legal process. In addition, there are no renderings along with this Ordinance, so they going to approve this height increase at first reading, and what it has along Ocean Terrace are a series of cafés, and they know that on Ocean Terrace itself they do not have grease traps to put in cafés. What is being proposed is absolutely not what they are getting, and she does not understand the reluctance to sending the item to the Planning Board and demand a rendering.

Commissioner Grieco is in support of the Ordinance with one caveat; he requested to see, separate from the Ordinance, a covenant that will run with the land regarding the historic properties. He requested to see language on second reading, a proposal that will protect historic properties in perpetuity.

Commissioner Arriola agrees with Vice-Mayor Steinberg and Commissioner Grieco, and supports a covenant that would run with the land, so that they can all be satisfied that what is being presented to them and the neighbors is the product that will be delivered if this passes.

Motion made by Commissioner Malakoff; seconded by Commissioner Alemán.

Raul J. Aguila, City Attorney, added that in fairness he wants to answer Commissioner Rosen-Gonzalez question. The question asked was whether under the Land Development Regulations, this action is properly before the City Commission, or whether it needs to go to the Planning Board again before this City Commission can consider the Ordinance. In his opinion, this Ordinance is legally correct before the City Commission now. The action taken by the Planning Board on this Ordinance was in June 2015. The Ordinance now is identical, except for the exclusion of the FAR, which was voted down by the voters. Section 118-164 says that within 60 days of transmission of a Planning Board recommendation to the City Commission, the City Commission shall consider a proposed amendment. It does not say that the City Commission shall take final action on a proposed amendment; it just says that the City Commission shall

consider a proposed amendments. That action was done subsequent to the Planning Board's recommendation in June. His opinion is based upon the fact that the Planning Board did consider this Ordinance, which is again, the same Ordinance before the City Commission that was voted down. That would not preclude this City Commission; however, from referring this to the Planning Board between first and second, as a matter of policy. As a matter of whether it is legally before the City Commission, in his opinion it complies with the requirements of Section 118-164.

Thomas Mooney, Planning Department Director, agreed with the Legal opinion, and stated that in the past this has been done because the Code requires that after Planning Board takes action, staff gets it to the City Commission within 60 days. This was done in this case, as it was heard by the Planning Board in June 2015, came to the City Commission for first reading in July 2015, and it is essentially the same Ordinance.

Discussion continued.

Commissioner Rosen Gonzalez reiterated that the Ordinance should go to Planning between first and second reading.

Discussion held.

Eve Boutsis, Chief Deputy City Attorney, clarified, for the record, that this item was advertised as a public hearing, and a public hearing was held.

City Clerk's Note: Ad 1140, published May 5, 2016, did not print with the Agenda Material.

Handouts and Reference Materials:

1. Ad in The Miami Herald No. 1145
2. Ad in The Miami Herald No. 1151
3. Email from Eve Boutsis dated April 5, 2016 RE: Advertisement for April 10, 2016 Neighbor's Section – Ad 1145.
4. Email from Matthew Barnes dated April 18, 2016 RE: Advertisement for April 10, 2016 Neighbor's Section –Ad 1145 and copy of MCR No. 409464 showing full reimbursement for Ads.
5. Email from Daniel Ciraldo dgc223@gmail.com dated May 6, 2016 RE: MDPL: Position on Ocean Terrace Height Increase, with attached letter from MDPL Ocean Terrace Position.
6. Email from Harriet Brand harriet.brand@gmail.com dated May 6, 2016 RE: Resident of Ocean Terrace applauds Daniel Ciraldo's letter.
7. Letters distributed by Neisen Kasdin
8. 30-days' notice Ad published in The Miami Herald on May 5, 2016 – Ad 1140

1:47:44 p.m.

R5E An Ordinance Amending Miami Beach City Code Chapter 2, Article VII, Division 2 Entitled "Officers, Employees And Agency Members", Adding Thereto Section 2-461 Entitled "Disclosure By City Commission Members Of Solicitation On Behalf Of Nonprofit Organization," Requiring City Commission Members Who Solicit Gifts On Behalf Of A Nonprofit Organization From A Vendor, Lobbyist On A Procurement Issue, Real Estate Developer And/Or Lobbyist On A Real Estate Development Issue, To Disclose The Date Of Solicitation And Name Of Individual Solicited, Disclosure To Be Filed In City Clerk's Office; Providing For Repealer, Severability, Codification, And An Effective Date. **11:00 a.m. Second Reading Public Hearing**
(Sponsored by Commissioner Kristen Rosen Gonzalez)
(Legislative Tracking: Office of the City Attorney)
(First Reading April 27, 2016 - R5A)

ACTION: Title of the Ordinance read into the record. Public Hearing held. **Ordinance 2016-4013 adopted as amended.** Motion made by Commissioner Rosen Gonzalez; seconded by Vice-Mayor Steinberg; Ballot-vote: 7-0. **Office of the City Attorney to handle.**

AMENDMENT:

Remove all of Section B from the Ordinance

Mark Samuelian, on behalf of Miami Beach United, congratulated the City Commission and spoke in support of the Ordinance. He also acknowledged Commissioner Rosen Gonzalez for her leadership on the issue.

Commissioner Rosen Gonzalez explained that she is excited about this Ordinance. This is not a prohibition on solicitation, but she wants her colleagues to disclose where donations are coming from. She stated that Commissioner Alemán added exceptions, but encouraged them to allow full disclosure, no matter whom they are soliciting.

Commissioner Alemán stated that she is in favor of the Ordinance, but is concerned that this may have a chilling effect for charities and local nonprofits as she has spent six years doing fundraiser for the Miami Beach Schools. She read her proposed exemptions language into the record for the public: Sec. 2-461. Reserved Disclosure by City Commission Members of Solicitation on Behalf of Nonprofit Organization. B. Exceptions: Any solicitation otherwise subject to the disclosure requirements of subsection A above is exempt from such disclosure requirement in those limited instances in which: (1) the City Commission has, by Resolution or motion adopted prior to such solicitation, endorsed or sponsored that particular nonprofit organization; (2) the nonprofit organization is created solely for the purpose of supporting public schools within the City; or (3) the gift is solicited by Commissioners on behalf of the City in performance of their official duties for use solely by the City in conducting its official business. She included the third exemption so as not to curtail the City Commission's ability to look for public benefit in projects and having disclosure requirements prevent that from taking place. She asked for her colleagues to consider this.

Discussion held.

Commissioner Arriola is not supportive of the exemptions as he does not think it has a chilling effect. He has raised money in the community for decades and he does not remember an instance where a donor does not want to disclose their name. This also applies to the people that this community say they want to keep out of the fundraising game, such as lobbyists and developers. This is about disclosure, not prohibition, and he is in support of the Ordinance.

Commissioner Grieco stated that if the item moves forward, no exemptions are needed.

Discussion held regarding exemption B(1).

Raul J. Aguila, City Attorney, explained that the exemptions would include One Miami Beach, which the City Commission created and supported by Resolution; it would also include endorsement for United Way or the American Cancer Society; it would mean that those solicitations would not have to be disclosed.

Commissioner Grieco stated that One Miami Beach was previously made up of Mayor Levine, Commissioner Malakoff and former Commissioner Wolfson, and now is Mayor Levine, Commissioner Malakoff and Commissioner Arriola; he does not have access to documentation related to that, and he suggested removing all of Section B.

Mayor Levine informed that all donations to One Miami Beach are transparent, meetings are noticed and the Office of the City Clerk attends those meetings to take minutes.

Discussion continued regarding solicitations.

Motion made by Commissioner Grieco to amend the item removing all of Section B from the Ordinance; seconded by Vice-Mayor Steinberg.

City Clerk's Note: See the April 27, 2016 After Action, Item R5A & R5B.

Handouts and Reference Materials:

1. Ad in The Miami Herald No. 1153a
2. Copy of redacted Ad in The Miami Herald No. 1153a as posted online
3. Exemptions distributed by Commissioner Alemán

5:01:00 p.m.

R5F Alton Road West And 17th Street South Alcoholic Beverage Establishment Regulations An Ordinance Amending Chapter 142, "Zoning Districts And Regulations", Article II, "District Regulations," (1) At Division 4, "CD-1 Commercial Medium Intensity District," Section 142-272, "Main Permitted Uses;" (2) Section 142-273, "Conditional Uses;" (3) Section 142-274, "Accessory Uses;" (4) Section 142-279, "Additional Regulations For Alcoholic Beverage Establishments;" (5) At Division 5, "CD-2 Commercial Medium Intensity District," Section 142-302, "Main Permitted Uses;" (6) Section 142-303, "Conditional Uses;" (7) Section 142-304, "Accessory Uses;" (8) Section 142-310, "Additional Regulations For Alcoholic Beverage Establishments;" And (9) At Division 6, "CD-3 Commercial Medium Intensity District," Section 142-332, "Main Permitted Uses;" (10) Section 142-333, "Conditional Uses;" (11) Section 142-334, "Accessory Uses;" And (12) Section 142-340, "Additional Regulations For Alcoholic Beverage Establishments;" To Amend The Hours Of Operation, Location And Use Restrictions For (A) Properties On The West Side Of Alton Road And East Of Alton Court, From 6th Street To Collins Canal, (B) Properties On The East Side Of West Avenue From Lincoln Road To 17th Street, And (C) Properties Within 100 Feet To The South Of 17th Street, Between Lenox Avenue And Meridian Avenue; Providing For Codification; Repealer; Severability; And An Effective Date. **5:01 p.m. Second Reading Public Hearing**

(Sponsored by Commissioner Joy Malakoff)
(Legislative Tracking: Planning)
(First Reading on April 13, 2016 - R5F)

ACTION: Title of the Ordinance read into the record. Public Hearing held. **Ordinance 2016-4014 adopted as amended.** Motion made by Commissioner Malakoff to move the Alton Road portion, removing the one block between Alton Road & West Avenue on Lincoln Road; and recommending that the 17th Street area go to the Land Use & Development Committee again for discussion; seconded by Commissioner Grieco. Ballot-vote: 6-0; Absent: Commissioner Rosen Gonzalez. **Thomas Mooney to place on the committee agenda and to handle.**

AMENDMENTS:

- Bifurcate Alton Road & 17th Street items
- Remove the Lincoln Road block between Alton Road & West Avenue
- Refer 17th Street back to Land Use & Development Committee for further discussion

REFERRAL:

Discuss 17th Street at Land Use and Development Committee

Thomas Mooney, Planning Department Director, introduced the item. The City Commission asked the Planning Board to further study the 17th Street portion of the legislation, as it pertains to the 100-foot distance separation from single-family uses. The Planning Board reviewed the item and made two recommendations: 1) that the Alton Road portion of the Ordinance be transmitted with a favorable recommendation, and 2) that the 17th Street portion of the Ordinance be transmitted with an unfavorable recommendation, and that the City Commission bifurcate that portion of the Ordinance.

Commissioner Malakoff moved to bifurcate the item and vote on the Alton Road portion, and send the 17th Street back to Land Use & Development Committee for further discussion, and delineate what areas are covered. 17th Street is CD-3 and this needs to be looked at separately. Inadvertently, on the Alton Road section, there was one block added, which is on Lincoln Road; she suggested removing the Lincoln Road block between Alton Road and West Avenue.

Paul Freeman, Palm View resident, requested that their neighborhood be involved in a study

group.

Commissioner Malakoff explained that at the Planning Board it was stated that there were no restaurants or sidewalk cafés planned for 17th Street, and there was no reason to protect Palm View. She suggested being proactive rather than reactive and recommended discussing this issue at Land Use & Development Committee.

Motion made by Commissioner Malakoff to move the Alton Road portion, removing the one block between Alton Road & West Avenue on Lincoln Road; and recommending that the 17th Street area goes to Land Use & Development Committee again for discussion; seconded by Commissioner Grieco.

Handouts and Reference Materials:

1. Ad in The Miami Herald No. 1151
2. Ad in The Miami Herald No. 1149

10:27:18 p.m.

R5G 1700 Alton Road - Historic Site Designation

An Ordinance Amending The Land Development Regulations Of The Miami Beach City Code; By Amending Section 118-593(e), Entitled "Delineation On Zoning Map" By Designating One Or More Buildings At 1700 Alton Road As An Historic Site To Be Known As "1700 Alton Road Historic Site," As More Particularly Described In The Ordinance; Providing That The City's Zoning Map Shall Be Amended To Include 1700 Alton Road As An Historic Site; Adopting The Designation Report Attached To The Staff Report As Appendix "A"; Providing For Inclusion In The Land Development Regulations Of The City Code; For Repealer; Severability; And An Effective Date. **First Reading**

(Sponsored By AC 1700 Alton Owner LLC, As The Private Applicant)

(Legislative Tracking: Planning)

ACTION: Title of the Ordinance read into the record. **Ordinance adopted on first reading.** Motion made by Commissioner Grieco; seconded by Commissioner Malakoff; Ballot-vote: 7-0. Second Reading, Public Hearing scheduled for **June 8, 2016**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda. **Thomas Mooney to handle.**

Thomas Mooney, Planning Department Director, introduced the item, which is an application filed by the property owner; it was reviewed and unanimously endorsed by the Historic Preservation Board; the Planning Board and Administration is recommending approval on first reading, with a second reading of June 8.

Handouts and Reference Materials:

1. Email from Thomas Mooney dated March 15, 2016, RE: 1700 Alton HSD CC Ad 1140, including a copy of listing of mailing labels.
2. Email from Deborah Tackett dated March 15, 2016, RE: 1700 Alton HSD CC Ad 1140.
3. Email from Thomas Mooney dated March 15, 2016 RE: 1700 Alton HSD CC Ad 1140.

10:28:57 a.m.

R5H Beach And Sand Quality

An Ordinance Amending Chapter 82, "Public Property," Article V, "Beaches," Creating Division 3, "Beach And Sand Quality," At Sections 82-472 Through 82-478, Ensuring The Preservation And Enhancement Of The Quality Of The City's Beaches By Requiring Testing Of Sand Or Fill Placed East Of The Coastal Construction Control Line (CCCL), Consistent With The Requirements Of Section 161.053, Florida Statutes And Rule 62B-33, Florida Administrative Code; Providing For Final Approval From The City Prior To The Placement Of Any Sand Or Fill East Of The Coastal Construction Control Line And Including Provision That The City's Approval Shall Be Contingent On The Applicant Obtaining A Letter Of No Objection From Miami-Dade County Division Of Environmental Resources Management (DERM), And Providing For Cost Recovery From The Applicant; Providing For Codification; Repealer; Severability, And An Effective Date. **First Reading**

(Sponsored By Commissioner Michael Grieco)
(Legislative Tracking: Environment & Sustainability)

ACTION: Title of the Ordinance read into the record. **Ordinance adopted on first reading.** Motion made by Commissioner Grieco; seconded by Commissioner Malakoff; Ballot-vote: 7-0. Second Reading, Public Hearing scheduled for **June 8, 2016**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda. **Elizabeth Wheaton to handle.**

Elizabeth Wheaton, Environment & Sustainability Department Director, introduced the item. This Ordinance was created in order to protect the City beaches. The State owns all of the beaches east of the erosion control line; there is also development that occurs east of the coastal construction control line, with oftentimes-additional material that is excavated. A number of sections of the beach are critically eroded, and when there is an opportunity to receive sand, they want to make sure that it is acceptable for reuse. This Ordinance places the checks and balances to make sure that the City is getting clean material.

1:58:46 a.m.

R5I An Ordinance Amending Chapter 2 Of The Code Of The City Of Miami Beach, Entitled "Administration," Article II, "City Commission," By Creating Section 2-14, Entitled "Code Of Civility," To Establish Standards Of Civility And Decorum For Public Meetings Of The City Commission And Commission Committees; And Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**

(Sponsored By Commissioner Michael Grieco)
(Legislative Tracking: Office of the City Attorney)

ACTION: Title of the Ordinance read into the record. **Ordinance not adopted.**

Commissioner Grieco stated that there should be a set of rules in place managing Commissioners' behaviors while on the dais. He gave the example of a City Commission meeting that took place last summer in which people's significant others were attacked, and the lack of significant others was criticized. He explained that, as a lawyer, he is used to a set of behavior rules while conducting business, especially the practice of not being interrupted while speaking. He further explained how elected officials lose certain rights by being elected, but they also gain immunity for their comments. He believes the Mayor and Committee Chairs should have the power to take action against Commissioners who are lying or being defamatory.

Mayor Levine stated that, in his opinion, the current City Commission has been civil, if it had not been he would have said something. He explained how his experience in politics has made him

develop thick skin, and has learned not to take attacks personally. He apologized to anyone on the dais who believes that they have been interrupted. He further stated that we are all humans, and sometimes people get emotional on certain topics, but he does not believe there is a need for such an Ordinance.

Commissioner Arriola stated his concern with this Ordinance. He believes it will allow someone who believes they have been slighted, to take action and possibly censor another person on the dais. This Ordinance has the potential to bully others, and therefore he will not vote in favor of it. He added that he has been attending Miami Beach City Commission meetings for 15 years, and he has found them to have been civil.

Commissioner Malakoff believes this is micromanaging the City Commission, and the proposed Ordinance is demeaning to the Mayor and City Commission.

Commissioner Rosen Gonzalez stated that the language of the Ordinance is arbitrary, and highlighted the confusion in determining "productive" and "unproductive" grandstanding. She believes the Mayor has been running an efficient Commission, and there is no need for this Ordinance.

Vice-Mayor Steinberg stated that the dais needs decorum, but disagrees with the language in the Ordinance. She believes it goes too far in regulating behavior.

Commissioner Alemán agreed with Commissioner Grieco that interrupting others on the dais should stop, and she will make an effort not to interrupt others, but she believes the best solution is for all on the dais to refrain from personal attacks.

Commissioner Grieco explained how someone on the dais called a fellow Commissioner a slur, and there is nothing that can be done about this matter. He addressed the City Commission's unwillingness to approve this Ordinance, but he claimed he will continue to bring this item up whenever there is a breakdown in decorum on the dais.

Mayor Levine suggested talking to the individual if personal attacks have been made.

10:33:24 a.m.

R5J An Ordinance Amending Chapter 2 Of The Code Of The City Of Miami Beach, Entitled "Administration," By Amending Article III, Entitled "Agencies, Boards, And Committees," By Amending Division 16, Entitled "Reserved," To Create A Miami Beach Youth ~~Committee~~ Commission, And Amending Sections 2-186 - 2-189 Thereof, Entitled "Reserved," To Establish And Set Forth The Purpose, Powers, Duties, Composition, And Supporting Department For The Committee; And Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**

(Sponsored by Commissioner Kristen Rosen Gonzalez)
(Legislative Tracking: Office of the City Attorney)

ACTION: Title of the Ordinance read into the record. **Ordinance adopted on first reading as amended.** Motion made by Commissioner Rosen Gonzalez; seconded by Commissioner Alemán; Ballot-vote: 7-0. Second Reading, Public Hearing scheduled for **June 8, 2016**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda. **Office of the City Attorney to handle.**

AMENDMENTS:

Two-year term limits to appointed students

Youth Commission members may park in appointing Commissioner parking spots on meeting days only

Commissioner Rosen Gonzalez introduced the item to create a Miami Beach Youth Commission. Miami-Dade County has a Youth Commission, and she believes it will be a great experience for the young students, and will also be helpful for their resumes.

Benjamin Bernstein explained how the Committee will work, and how students will be more involved with the City. Each Commissioner will appoint a student to the Committee, where they will deliberate on different Resolutions and policies that affect the City's youth. The students will forward recommendations to the Commission Aides. He will provide a list of recommendations of Miami Beach High School candidates for the Committee.

Commissioner Alemán proposed some amendments to the Ordinance. She asked that the three-year term limit be reduced to a two-year term limit; and the Citywide parking permits provided to regular City Committees should not be issued in this case.

Vice Mayor Steinberg requested reserved spots for the members attending meetings.

Commissioner Alemán suggested revisiting the success of the Youth Commission after some time.

Commissioner Grieco recommended having the students park in the parking spots of their respective appointing Commissioner during meeting day.

City Clerk's Note:

Any reference to "Miami Beach Youth Committee" should instead refer to "Miami Beach Youth Commission."

2:09:47 p.m.**R5K Single Family Home Demolition Procedures**

An Ordinance Amending The Land Development Regulations (LDRs) Of The City Code, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 2, "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," Section 142-108, "Provisions For The Demolition Of Single-Family Homes Located Outside Of Historic Districts;" By Amending The Requirements And Procedures For The Issuance Of A Demolition Permit For Single Family Homes; Providing For Codification; Repealer; Severability; And An Effective Date.

First Reading

(Sponsored by Commissioner Joy Malakoff)
(Planning)

ACTION: Item referred to Land Use & Development Committee. Motion made by Commissioner Malakoff to refer to Land Use & Development Committee for further discussion for possible landscape and adequate fencing for vacant lots; seconded by Commissioner Grieco; Voice-vote: 7-0. **Thomas Mooney to handle.**

REFERRALS:

Land Use & Development Committee

Thomas Mooney, Planning Department Director, introduced the item. This Ordinance came from the recommendation of the Land Use & Development Committee. When the Ordinance was reviewed by the Planning Board, it received an unfavorable recommendation, because they believed the year of construction of single-family homes should be looked at instead of creating a blanket requirement for all homes pre or post 1942 to go through the same procedure to get a demolition permit. The Administration recommends approval on first reading.

Commissioner Malakoff explained that at the Planning Board meeting, it was agreed that they would prefer an empty lot than a dilapidated house. She agrees with that statement, so long as the home is deemed to be an unsafe structure. However, in Miami Beach, most of the homes being demolished are livable, but are being demolished for speculative reasons. She would like homeowners who want to demolish their homes to present plans for the new home before demolition begins. She highlighted the fact that empty lots pose a danger for anyone who wanders on to the property, and are notorious nesting areas for mosquitoes because of the pools of water that accumulate on the lots.

Mayor Levine suggested that the City should require people who want to demolish their homes to create more landscaped green spaces.

Discussion held.

Commissioner Arriola asked City Attorney Aguila, if it is enforceable to require landscaped empty lots to have better-looking fences than chain link fences.

Eve Boutsis, Deputy City Attorney, stated that the City could require a higher standard of fence when it comes to limiting-off empty lots.

Commissioner Arriola suggested referring the item to Committee.

Mr. Mooney stated that the landscape requirement should be for low landscaping.

Discussion held.

Vice-Mayor Steinberg stated that vacant lot property owners will have to adhere to strict guidelines, but asked what happens if they choose not to keep up with the empty lot.

Ms. Boutsis explained that if property owners do not keep their empty lot up to code, it they will be issued a Code Compliance fine.

Mayor Levine recommended referring the item to Land Use & Development Committee.

Commissioner Malakoff agreed to refer the item to Land Use & Development Committee for discussion so they can provide an alternative to keep houses intact, and reduce speculative demolitions.

4:54:38 p.m.

R5L An Ordinance Amending Chapter 70 Of The Code Of The City Of Miami Beach, Entitled "Miscellaneous Offenses," By Creating Article VII, To Be Entitled "Sexual Orientation Or Gender Identity Change Efforts," To Prohibit Licensed Professionals From Engaging In Counseling Efforts, Practices, Or Treatments With The Goal To Change A Minor's Sexual Orientation Or Gender Identity; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**

(Sponsored by Commissioner John Elizabeth Alemán
Co-Sponsored by the entire City Commission)
(Office of the City Attorney)

ACTION: Title of the Ordinance read into the record. **Ordinance adopted on first reading.** Motion made by Commissioner Alemán; seconded by Vice-Mayor Steinberg; Ballot-vote: 6-0; Absent: Commissioner Rosen Gonzalez. Second Reading, Public Hearing scheduled for **June 8, 2016**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda. **Office of the City Attorney to handle.**

City Clerk's Note: The entire City Commission cosponsored the item.

State Representative David Richardson introduced the item, and stated that he had spoken to the City Commission about a month ago regarding conversion therapy, and how there are six therapists in Florida, one of whom has offices in Miami Beach, that practice conversion therapy. He is glad the City Commission is taking action to pass this Ordinance, and once again it shows how progressive this City is.

Commissioner Alemán stated that conversion therapy seeks to convert a person's sexual orientation or gender identity. This practice is ineffective and harmful to children. The Ordinance drafted by the City Commission is based on the Cincinnati approach.

Commissioner Arriola suggested having the entire City Commission co-sponsor the item. It was agreed by acclamation.

State Representative Richardson introduced Justin Klecha, the Director of Campaigns for SAVE.

Mr. Klecha thanked the City Commission for their support.

2:20:32 p.m.

R5M Chapter 126 Landscape And Chapter 46 Non-Specimen Trees Ordinances

1. An Ordinance Amending The Land Development Regulations (LDRs) Of The City Code, By Amending Chapter 126, "Landscaping," By Expanding The Applicability, Submittal Requirements For Landscape Plans, Expanding Minimum Landscape Standards, Detailing Maintenance Requirements For Required Landscaping, And Establishing A Tree Trust Fund For The Deposit Of Funds Generated From Not Complying With Landscape Requirements; By Amending Chapter 130, Entitled "Off-Street Parking," Article III, Entitled "Design Standards," To Incorporate Landscape Standards For Temporary And Provisional Parking Lots Into The City Of Miami Beach Landscape Ordinance; Providing For Codification; Repealer; Severability; And An Effective Date. **First Reading**
(Sponsored by Commissioner Joy Malakoff)
(Legislative Tracking: Planning)

ACTION: Item opened and continued to the **July 13, 2016** City Commission Agenda by Acclamation. Lilia Cardillo to place on the Commission Agenda, if received. **Thomas Mooney to handle.**

Title of the Ordinance read by City Clerk Granado.

2:21:24 p.m.

2. An Ordinance Amending The Land Development Regulations (LDRs) Of The City Code, By Amending Chapter 46, "Environment", Article II, "Care And Maintenance Of Trees And Plants", Division 2, "Tree Preservation And Protection," By Modifying The Diameter At Breast Height Of Non-Specimen Trees; Providing For Codification, Repealer, Severability And An Effective Date. **First Reading**
(Sponsored by Commissioner Joy Malakoff)
(Legislative Tracking: Planning)

ACTION: Item opened and continued to the **July 13, 2016** City Commission Agenda by Acclamation. Lilia Cardillo to place on the Commission Agenda, if received. **Thomas Mooney to handle.**

Title of the Ordinance read by City Clerk Granado.

City Manager Morales explained that the County needs to review the items (R5M-1 AND R5M-2) before voting, so that the City Commission does not have to repeat the process twice. The item will also return in July for budgetary reasons.

Commissioner Malakoff stated that the City should be responsible for maintaining trees on the swales. There are some cases where homeowners take care of the trees in swales by their properties, but many times these trees simply go unattended.

2:23:45 p.m.

R5N An Ordinance Amending Chapter 82 Of The Code Of The City Of Miami Beach, Entitled "Public Property," By Amending Article I, Entitled "In General"; By Amending Section 82-1, Entitled "Conducting Business On Streets, Parks Or Other Public Property; Enforcement; Penalties; Unpaid Fines To Constitute Liens," By Creating Subsection (b), Which Expressly Prohibits Commercial Transactions, Activities Or Operations At The Maurice Gibb Memorial Park Boat Ramp And Maurice Gibb Memorial Park; By Prohibiting Any Portion Of The Commercial Transaction, Activity Or Operation To Directly Or Indirectly Occur At The Maurice Gibb Memorial Park Boat Ramp And Maurice Gibb Memorial Park; By Creating Subsection (d), Which Is A New Enforcement And Penalty Provision For Violations, Limiting The Authority Of The Special Master, And Increasing The Monetary Fines; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**

(Sponsored by Commissioner Michael Grieco)
(Legislative Tracking: Parks & Recreation)

ACTION: Title of the Ordinance read into the record. **Ordinance adopted on first reading.** Motion made by Commissioner Grieco to approve on first reading and bring it back in July with direction to amend to include a provision for water taxis, permitting or licensing amphibian tours, and/or permitting with kayak renters; Seconded by Commissioner Alemán; Voice-vote: 7-0. Second Reading, Public Hearing scheduled for **July 13, 2016**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, if received. **John Rebar to handle.**

Alek Boksner, Deputy City Attorney, introduced the item, which is a City of Miami Beach proposal to limit commercial activities that are transpiring in Maurice Gibb Park and the Barry Kutun Boat Ramp. The City can be held liable for events that take place on the premises.

Commissioner Grieco believes that the Barry Kutun Boat Ramp is the only free and unregulated boat ramp in the County. Even Haulover Park charges a fee to use its boat ramp. This issue has been discussed by the City Commission for approximately a year. There are jet ski and boat operators with no regulations on the premises. If someone gets hurt or dies, the City could be held liable. This is supposed to be a resident-only boat ramp. It has been a long time coming, and he is proud of this piece of legislation. He thanked everyone who worked on this item.

Mayor Levine asked if this legislation will put amphibious tours such as the Duck Tours out of business; and if so, could an exemption be made for them and the water taxis.

Mr. Boksner explained that there will be language included that will permit the City Commission to decide whether water taxis can use the ramp. Amphibious tours can continue operations, but they will not have access to the ramp, unless the City grants them an exemption.

Commissioner Grieco stated that this Ordinance is not intended to go against commercial vendors, but any vendor operating at the site must be authorized by the City.

Discussion held regarding private commercial activities.

Mayor Levine believes that the amphibious tours are fun and positive for the community. He is afraid this Ordinance will shut that business down.

Commissioner Arriola stated that he lives in the Sunset Harbour neighborhood, and he asked whether renting paddleboards and kayaks will no longer be allowed.

Commissioner Grieco explained that as long as the transactions take place off City property, there will not be a problem with anyone using the boat ramps for their paddleboards or kayaks.

Discussion continued.

Commissioner Malakoff expressed concern about people hurting themselves while using kayaks and paddleboards ,and recommended having a sign near the boat ramp reading: "Use At Your Own Risk," so that the City is not liable. **Mr. Boksner to handle.**

Discussion continued regarding enforcement and signage.

Commissioner Alemán wants to make sure that Miami Beach residents are using the ramp, and wants to avoid people selling their residency in order to allow others to use their ramp and parking facilities.

John Rebar, Parks & Recreation Department Director, stated that they are working with the Parking Department to register vehicles and tows with the City to make sure they belong to residents.

Discussion held regarding fines.

Mayor Levine recommended notifying the businesses that will be affected by this Ordinance or allow an exemption.

Vice-Mayor Steinberg suggested coming up with a permitting system and figure out a way to allow amphibious tours. She is glad kayak renters can still use the ramp.

Discussion held.

Commissioner Grieco explained that it is a public ramp. The issue is with the commercial activity that is currently taking place on it.

Mr. Boksner summarized and suggested implementing an Indemnification or concession Agreement.

Discussion continued.

Motion made by Commissioner Grieco to pass on first reading and bring it back in July with direction to amend to include a provision for water taxis, permitting or licensing amphibian tours, and/or permitting with kayak renters; Seconded by Commissioner Alemán; Voice-vote: 7-0.

Grace Sherman spoke regarding South Beach Kayak rentals. Her business has been operating in Sunset Harbour since 1985. She is glad the City Commission is permitting rented kayaks and paddleboards access to the boat ramp.

Marilyn Freudlich stated that there are rumors certain restaurants want to bring in fresh fish via the boat ramp. This is precisely the type of activity the City needs to go after.

9:52:17 a.m.

SUPPLEMENTAL MATERIAL 2: MEMORANDUM & ORDINANCE

R5O An Ordinance Amending Chapter 82 Of The Code Of The City Of Miami Beach, Entitled "Public Property," By Amending Article V, Entitled "Beaches," By Amending Division 1, Entitled "Generally," By Creating A New Section 82-443, Entitled "High Impact Events On Beach Property," To Provide The City Manager With The Authority To Impose Certain Immediate Measures For The Protection Of Beach Property During High Impact Events In The City; Providing For Notification Of High Impact Event Measures, Enforcement, And Penalties; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**
(Sponsored by Commissioner Michael Grieco, co-Sponsored by the entire City Commission)
(Legislative Tracking: Office of the City Attorney/Tourism, Culture & Economic Development)

ACTION: Title of the Ordinance read into the record. **Ordinance adopted on first reading.** Motion made by Commissioner Grieco; seconded by Vice Mayor Steinberg; Ballot-vote: 7-0. Second Reading, Public Hearing scheduled for **June 8, 2016**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda. **Office of the City Attorney and Max Sklar to handle.**

City Clerk's Note: The entire City Commission cosponsored the item.

Raul J. Aguila, City Attorney, introduced the item. In light of the Floatopia event, the City Commission directed the Office of the City Attorney and the Administration to prepare legislation that would to protect the public's health, safety, welfare, and property from permitted and non-permitted events that tax the City's resources and pose a threat to the natural resources on the beachfront. They have proposed an Ordinance for first reading that would address immediate measures that the City Manager could take upon finding a high impact event that presents a threat to our beaches and to public and private property. The Ordinance has input from Code Compliance and Parking Department. It will also be presented to the State as an amendment to the Beachfront Management Plan.

Alek Boksner, Deputy City Attorney, stated that they have identified what defines high impact events that affect the beach, and provided eight essential criteria to allow the City Manager to take action. The City Manager can use all of these measures or partial. The penalty provision will be a second-degree misdemeanor.

Commissioner Grieco added that this Ordinance is not just about Floatopia, but also about taking control of the beaches and environmental issues. This is something that has been missing, and it gives the City Manager the tools to protect the City's greatest asset.

Mayor Levine asked if the entire City Commission would like to co-sponsor the item. All the Commissioners agreed to be co-sponsors.

Commissioner Malakoff asked Police Chief Oates if he agreed with the Ordinance's penalty portion.

Police Chief Oates replied that he approves of everything in the Ordinance, especially after the Floatopia event.

Handouts or Reference Materials:

1. Email from Debora Turner dated May 2, 2016 RE: Item R9B P&A meeting of April 27; item to go to second reading on June 8, 2016.

11:03:49 a.m.

R5P An Ordinance Amending Chapter 18 Of The City Code, Entitled "Businesses," By Adding Article XVII, Entitled "City Minimum Living Wage," To Provide For Implementation Of A City-Wide Minimum Hourly Wage; And Amending Chapter 102 Of The City Code, Entitled "Taxation," By Amending Section 102-371, Entitled "Application Procedures[.]" By Adding A Subsection Entitled "(J) Compliance With City Minimum Living Wage" And Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**

(Sponsored by Mayor Philip Levine co-Sponsored by the entire City Commission)

(Legislative Tracking: Office of the City Attorney)

ACTION: Title of the Ordinance read into the record. **Ordinance adopted on first reading.** Motion made by Commissioner Arriola to approve on first reading with directions given; seconded by Vice-Mayor Steinberg; Ballot-vote: 7-0. Second Reading, Public Hearing scheduled for **June 8, 2016**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, if received. **Office of the City Attorney to handle.**

DIRECTIONS:

Draft language regarding small business exemption between first and second reading; and Refer item to a Special Finance Committee Meeting in June, or earlier, to discuss Citywide minimum wage. **Allison Williams to place on the committee agenda.**

City Clerk's Note:

The entire City Commission cosponsored the item.

Mayor Levine recognized Rob Rosenwald of the Office of the City Attorney for his effort in drafting the Ordinance's language and his help during media interviews. He read the following into the record: "Miami Beach is known worldwide for taking on its challenges with meaningful solutions. I am proud today to put forward legislation that addresses the growing gap between wages and the cost of living in South Florida by proposing a minimal living wage for our community. Recent studies have found that the gap between Miami's median income of just under \$31,000 and a \$77,000 cost to live comfortably with things like rent, food, and healthcare is the biggest spread in the entire country today. We hear these stories of our residents who are unable to live and work in Miami Beach because of the high cost of rent, transportation and basic living costs. However, today we start addressing this growing problem through higher wages, by establishing a Citywide minimum living wage. This Ordinance is for single mother, house cleaners, housekeepers, who clean rooms all day commute to Miami Beach back and forth, and barely get to see their kids. It is for the dishwasher who is cleaning plates all day and night to support his family, so his kids can go to college and have a better life than he has. It is for the nursing home house cleaner or senior caretaker who is helping someone with true compassion at the sunset of their lives. This minimum wage is for them, but it is also for all the residents of our community who want to see less homelessness and less crime. In the end, there is nothing more powerful than a worker motivated to succeed. I saw this first hand while creating my companies. My business success was largely based on the incredible working dedication and loyalty of all my employees. They were always as motivated to succeed as I was. They were and are paid a fair wage that allows them to live their lives. We must accept the reality that a good number of the Miami Beach workforce commute here. Sometimes up to 90 minutes. Because they just cannot afford to live here. It is also not fair to make our lowest paid workers struggle to pay for non-resident parking, and if they do not drive to pay a high transportation cost for inferior public transportation throughout our County. In Seattle with a minimum wage increase that was implemented a year ago, local economists are showing a net positive impact in the area. In fact, statistics have shown no disruptions in the business community resulting in a stronger workforce for Seattle. Miami Beach has historically lead the way in LGBT rights, environmental efforts, and fighting against climate change in making

our City more resilient against sea level rise. Today, Miami Beach must lead the way in reversing the trend that makes Florida a high cost, low wage State by being the first municipality in Florida to pass a minimum living wage Ordinance. Cities all over the United States have similar local minimum wage Ordinances, and the evidence shows the positive impact it has had on the local economy. Communities that have established higher minimum wages have not seen an increase in unemployment, workers are better able to afford basic needs, and employee turnover dropped considerably. My fellow Commissioners on this dais, I call upon you today to continue to move Miami Beach forward as the leader in all human rights, which include the right to a fair wage for a good day's work by passing this Ordinance. Everyone has the right to a wage that allows them to live, and I encourage you today to pass this Ordinance and bring it back in June for second reading."

Raul J. Aguila, City Attorney, stated that this Ordinance will within a year of adoption, establish the City of Miami Beach minimum living wage, which means that every employer in Miami Beach paying an employee an hourly minimum wage under the Federal minimum wage requirements is subject to this Ordinance. The current Florida minimum wage is \$8.05 per hour. Beginning on June 30, 2017, the City living wage will start at \$10.30 an hour, and will be phased-in within four years until January 30, 2020, the hourly City of Miami Beach minimum wage will be \$13.31 an hour. After 2020, the City Commission has the right to index the hourly living wage at its discretion by Resolution. This Ordinance will not repeal the current minimum wage Ordinance regarding City contractors and City employees performing certain duties. He commended Rob Rosenwald, Donald Papy, and Ben Van Horn for their work on this item.

Rob Rosenwald, First Assistant City Attorney, stated that they drafted this Ordinance with simplicity in mind to make it easy for all. He explained that there is a 2013 Florida statute that precludes municipalities from having higher minimum wages than the State minimum wage, but there is a 2004 State Constitutional Amendment specifically reserved for municipalities to have a higher minimum wage. If the Ordinance is passed, and challenged, they expect the City to prevail.

Mayor Levine asked First Assistant City Attorney Rosenwald about the exemptions to the Ordinance.

First Assistant City Attorney Rosenwald stated that employers would have to pay the City's minimum hourly wage, but the Ordinance will give restaurants a benefit regarding their tipped employees, allowing them to be paid below the City's new minimum wage.

Commissioner Grieco expressed his support of this Ordinance. He asked what the cost of litigation would be, if the City is sued by the State of Florida or by a class action suit by business employees.

First Assistant City Attorney Rosenwald stated that all legal consultations will be done in-house, and there will not be outside counsel. He explained that if the City were sued, there will not be any damages to be paid, nor would the City be required to pay the attorney fees of the other parties.

Commissioner Grieco stated that he would like to go over the numbers between first and second reading, because to him they seem low compared to the County. He stated that the County minimum wage is \$12.63 an hour with health benefits, and \$15.72 an hour without health benefits.

Raul J. Aguila, City Attorney, clarified that City's living wage is \$11.62 per hour with health benefits, and \$13.31 without health benefits. The City Commission has the discretion to index it every year during the budget process.

Mayor Levine added that the City wage is a reasonable standard. He agrees that they should look at it, and assess if they should go higher, and asked that they look at living wage for vendors and employees as separate issues.

Donald Papy, Chief Deputy City Attorney, stated that this is for all employees working in Miami Beach.

Commissioner Arriola applauded Mayor Levine for placing the item on the agenda, and stated that it is a step in the right direction. The economy has been stagnant, and people have been trying to find ways to improve the economy. He believes increasing the minimum wage will help. He is concerned though by the effects this will have on local small businesses. The long-term implications need to be considered.

City Attorney Aguila stated that they will look at the long-term effects between first and second reading. He reminded everyone that the Ordinance, if adopted, will not take effect for one year. There is time to amend it, if necessary.

Mayor Levine suggested meeting with the City Commission individually for direction.

Vice-Mayor Steinberg is in full support of the Ordinance, and she wants to move it forward. It is a positive investment in the community.

Commissioner Alemán suggested organizing a public outreach to get input and have a dialogue with business owners to share feedback. They should keep Miami Beach diverse, and this includes from a socio-economic standpoint.

Commissioner Rosen Gonzalez stated that this is a progressive item they are working on, and she believes other municipalities will follow. She will support this Ordinance, as she believes it is the right thing to do. She added that Miami Beach will probably get a better labor pool from the wage increase.

Mayor Levine suggested hearing public comments in support and opposition. He asked if the item could be referred to the Finance Department.

City Attorney Aguila explained that language is needed for a small business exemption, and that can be done between first and second reading. They are recommending referral to the Finance and Citywide Projects Committee (FCWPC), to obtain public feedback and create a record in support of the Ordinance. If this is to be adopted in June, the item must be referred to the next meeting.

Discussion held.

Commissioner Malakoff thinks they should move forward, but they need to look to the small business community in particular.

Discussion held.

Former Miami Beach Commissioner Jerry Libbin stated that this is a great topic and urged the City Commission to consider that: 1) there will most likely be a cost for outside counsel and there should be a five-year impact cost included. Litigation can be lengthy and expensive; 2) some employees will have been working their way up for several years to earn above \$10.31, whereas new employees will begin at that wage. This is called compression, and he asked the City Commission to consider its effects; 3) Small business exemption; small business can face fierce competition, and this could put them out of business; 4) An hourly increase of one or two dollars will not close the gap between wages and expenses, more needs to be done; 5) Free or reduced parking rates for employees could help.

Peggy Benua, Chair of the Greater Miami Beach Hotel Association, spoke on behalf of the hospitality industry. Wage increases must not be too high or fast as this could hurt the hotel industry. It may negatively affect the very individuals this Ordinance is trying to help.

The following individuals spoke in support:

Lilly Bach, Representing Security Guard workers

Mark Dixon, Political Director with SCIU Florida State Council

Jackie Carmona, Political Director, Unite Here Local 355

Mayor Levine asked if the City Commission would like to sponsor the item unanimously. There was consensus to do so.

Commissioner Arriola stated that they will be tackling other important issues such as affordable housing, and large projects like the Convention Center.

R7 - Resolutions

10:31:17 a.m.

R7A A Resolution Adopting The Fourth Amendment To The General Fund, Enterprise Fund, Internal Service Fund And Special Revenue Fund Budgets For Fiscal Year (FY) 2015/16. **10:00 a.m. Public Hearing**

(Budget & Performance Improvement)

ACTION: Title of the Resolution read into the record. Public Hearing held. **Resolution 2016-29398 adopted.** Motion made by Commissioner Malakoff; seconded by Commissioner Alemán. Voice-vote: 7-0. **Cintya G. Ramos to handle.**

Cintya Ramos, Budget & Performance Improvement Director, introduced the item and explained that this is the fourth amendment to the Operating General Fund Budget, appropriating \$190,000 for the 2066 Miami Beach Rising Above Time Capsule project.

Commissioner Malakoff stated that this is a great project and after the Centennial Celebration, is desirable and the fact that is discussing the rising sea level is important for the future.

Handouts or Reference Materials:

1. Ad in The Miami Herald No. 1152

10:32:38 a.m.

R7B A Resolution Adopting The Fifth Amendment To The Capital Budget For Fiscal Year (FY) 2015/16. **10:01 a.m. Public Hearing**
(Budget & Performance Improvement)

ACTION: Title of the Resolution read into the record. Public Hearing held. **Resolution 2016-29399 adopted.** Motion made by Commissioner Alemán; seconded by Commissioner Rosen Gonzalez. Voice-vote: 7-0. **Cintya G. Ramos to handle.**

Cintya Ramos, Budget & Performance Improvement Director, explained that this is the Fifth Amendment to the capital budget, appropriating \$1.85 million and re-appropriating \$1.27 million for capital projects.

Handouts or Reference Materials:

1. Ad in The Miami Herald No. 1152

10:39:50 a.m.

R7C A Resolution Authorizing Pursuant To Section 142-425 Of The City's Code, Authorize The Waiver Of Certain Regulations Applicable To Muss Park, Located At 4400 Chase Avenue, Miami Beach, Florida; Waiving By A 5/7th Vote Of The City Commission, After Public Hearing, The Development Regulations In A GU (Government Use) District, Which Regulations Are Found At Section 130-32, Entitled "Off-Street Parking Requirements For Parking District No. 1," In Order To Waive The Requirements Relating To Providing All Required Off-Street Parking In Conjunction With The Construction Of A Multi-Purpose Activity Building In Muss Park. **10:40 a.m. Public Hearing**
(Capital Improvement Projects)

ACTION: Title of the Resolution read into the record. Public Hearing held. **Resolution 2016-29400 adopted.** Motion made by Commissioner Alemán; seconded by Commissioner Malakoff. Voice-vote: 7-0. **David Martinez to handle.**

DIRECTION:

Move forward as approved previously

David Martinez, Capital Improvement Projects Director, stated that they are moving forward with the development of the Muss Park Pavilion facility project, and as part of this, they are requesting a waiver of development regulations that relates to the parking requirement. Based on the size of the new structure; when doing the formal calculation for the City Code it will require approximately 49 parking spaces and currently there are 20 parking spaces available today. The intent is that most of the users of the park are children, and most users are local residents that will not require this. The Planning Department also recommended moving forward with this waiver.

Motion made by Commissioner Alemán; seconded by Commissioner Malakoff..

Mr. Martinez added that they had a glitch with respect to the scope of the work, and he asked for direction. The original building presented to City Commission is for 4,000 square foot facility that looks like a Pavilion, but can be enclosed as a structure if there is inclement weather; this was presented to DRB and several residents voiced their opinion. DRB asked them to contemplate, not so much an enclosed structure, but one that is more open. They asked them to come back and he would like to seek direction as to either maintaining the original design and move forward without delay, or look at a more permanently open structure.

Commissioner Arriola is frustrated about the delay; he likes the design, it is thoughtful and they support it, and he feels they should move forward with the plans as approved by the City Commission previously.

Mr. Martinez added that the Parks Board is also supporting the original design.

Commissioner Alemán stated that Vice-Mayor Steinberg put a great deal of work into this, and what was brought forth as options were analyzed thoroughly. There was a misunderstanding that the building might be closed most of the time, and the special boards that reviewed the design intended this to allow to be open. The intent is to open the Pavilion as often as possible, every day, unless the weather is inclement, at such time when the structure will close. She agreed with Commissioner Arriola.

Jonathan Groff spoke.

City Clerk's Note: Commissioner Grieco was absent during the vote, but subsequently voted "yes."

Handouts or Reference Materials:

1. Ad in The Miami Herald No. 1150
2. Ad in The Miami Herald No. 1151
4. Color copies of Notice of Public Hearing posted at 4400 Chase Avenue on April 19, 2016 by Tony Atala.
5. Copy of Notice to the Public.
8. Email from Rogelio Madan dated April 20, 2016 RE: Muss Park Parking Waiver Newspaper Ad.

10:49:04 a.m.

R7D Waive Height Requirements In GU (Government Use) Districts: 4001 Prairie Avenue And 501 72 Street

1. A Resolution Authorizing By A 5/7th Vote Of The City Commission, After Public Hearing, Pursuant To Section 142-425, Of The City's Code, A Waiver Of Development Regulations In Order To Repave And Light A City Surface Lot, Lot No.: P59, Located At 4001 Prairie Avenue; As Lot No. P59 Is Located Within A GU (Government Use) District And May Obtain A Waiver Is In Order To Increase The Allowable Light Pole Height In The Lot From 10 Feet To 15 Feet, And Which Increase Requires A Waiver Of Section 142-1132(k), Of The City Code; And Which Waiver Would Ensure The City's Adopted "Crime Prevention Through Environmental Design" (CPTED) Safety Requirements Are Complied With In Designing And Constructing The Parking Lot. **10:45 a.m. Public Hearing**
(Capital Improvement Projects/Planning)

ACTION: Title of the Resolution read into the record. See action with R7C. Public Hearing held. **Resolution 2016-29401 adopted with recommendations.** Motion made by Commissioner Alemán; seconded by Commissioner Malakoff. Voice-vote: 7-0. **David Martinez and Thomas Mooney to handle.**

RECOMMENDATION:

- Include cameras on this and future projects
- There is consensus to bring Code amendment for the installation of cameras in future projects

David Martinez, Capital Improvement Projects Director, introduced the item, which is identical to companion Item R7C. As part of the new requirements for lighting parking lots, they are required 15-foot tall light poles, currently the Code allows going up to 10 feet, and they are asking for a waiver to go to 15 versus 10 ft.

Commissioner Rosen Gonzalez asked if they can include Police cameras as they get the project renovated to reduce crime rate.

Mayor Levine suggested having more cameras.

Mr. Martinez explained that if desired, they can include more cameras. In answering Commissioner Alemán's question, he stated that the cameras would have to be installed on an individual basis if that is the direction of the City Commission.

Discussion held.

Eve Boutsis, Deputy City Attorney, stated that it would require a Code amendment if they want to get it done.

City Clerk's Note: Commissioner Grieco was absent during the vote, but subsequently recorded his vote as a "yes."

Handouts or Reference Materials:

1. Ad in The Miami Herald No. 1147
2. Ad in The Miami Herald No. 1151
4. Copies of mailing labels list and map of 4001 Prairie Avenue area.
6. Email from Olga Sanchez dated April 6, 2016 RE: Three GU lots and waiver, with attachments.

10:51:08 a.m.

2. A Resolution Authorizing By A 5/7th Vote Of The City Commission, After Public Hearing, Pursuant To Section 142-425, Of The City's Code, A Waiver Of Development Regulations In Order To Repave And Light A City Surface Lot, Lot No.: P91, Located At 501 72 Street; As Lot No. P91 Is Located Within A GU (Government Use) District And May Obtain A Waiver Is In Order To Increase The Allowable Light Pole Height In The Lot From 10 Feet To 15 Feet, Which Increase Requires A Waiver Of Section 142-1132(k), Of The City Code; And Which Waiver Would Ensure The City's Adopted "Crime Prevention Through Environmental Design" (CPTED) Safety Requirements Are Complied With In Designing And Constructing The Parking Lot. **10:46 a.m. Public Hearing**
(Capital Improvement Projects/Planning)

ACTION: Title of the Resolution read into the record. Public Hearing held. **Resolution 2016-29402 adopted.** Motion made by Commissioner Malakoff; seconded by Commissioner Alemán. Voice-vote: 7-0. **David Martinez and Thomas Mooney to handle.**

David Martinez, CIP Director, introduced the item.

See discussion with item 1.

City Clerk's Note: Commissioner Grieco was absent during the vote, but subsequently recorded his vote as a "yes."

Handouts or Reference Materials:

1. Ad in The Miami Herald No. 1147
2. Ad in The Miami Herald No. 1151
3. Copies of mailing labels list and map of 4001 Prairie Avenue area.
4. Email from Olga Sanchez dated April 6, 2016 RE: Three GU lots and waiver, with attachments.

2:50:35 p.m.**SUPPLEMENTAL MATERIAL 1: EXHIBITS TO MEMORANDUM & RESOLUTION WITH ATTACHMENTS**

R7E A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee And Approving The Attached Third Amended And Restated Rules And Regulations For beachfront concession Operations.

(Tourism, Culture & Economic Development)

ACTION: Resolution 2016-29403 adopted with recommendations. Motion made by Commissioner Grieco to adopt the Resolution and refer a separate discussion item to alternative to plastic items to the Sustainability Committee; seconded by Commissioner Malakoff. Voice-vote: 7-0. **Elizabeth Wheaton to place on the committee agenda. Elizabeth Wheaton and Max Sklar to handle.**

RECOMMENDATIONS:

- Prohibition of plastic bags and plastic cups, unless they are recyclable, biodegradable or reusable.
- Referring for discussion the issue of plastic cups and bottles to the Sustainability Committee.
- Concessioners and their employees to place the trash in the recycle bins.

Max Sklar, Tourism, Culture & Economic Development Director, explained that staff has been working on the Amended Rules and Regulations for Beach concessions for more than two years; they presented numerous times to the Neighborhood/Committee Affairs Committee, and during that time, they solicited input from Beach concessionaires, the upland properties as well as to the Marine & Waterfront Protection Authority members. Exhibit B in the package includes eight Resolutions from the Marine & Waterfront Protection Authority. The language has been substantially cleaned since 2001, and includes added definitions of terms for the Amended Rules and Regulations that were not included previously. In answering Commissioner Malakoff's question during Agenda Review, he highlighted two areas; definitions d) concession area, talks about the definition of the concession area, which is located from the shoreline up to the dune and bounded by the north and south property lines of the upland property. That entire area, from the shoreline up to the dune, the concessionaires are responsible to clean. The workable area, which is the last definition in the guidelines on Page 703 of the memo, is the area east of the concession area bounded on the west by the trash receptacle line, and on the east by the lifeguard line of sight, or 10 feet from the mean high watermark. The area the concessionaires are responsible to clean is the entire concession area as referenced in the guidelines. He explained that the concessionaires are required to clean at the start and the end of the day; however, language could be clarified so that the concessionaires clean the area throughout the day. In addition, each upland property, if it is a commercial operations, must pay a per unit fee as part of their licensing fee annually. There is currently a cap of \$10,000, and this proposal includes increasing the cap to \$15,000, with a regular escalator for CPI to avoid changing the cap in the future. There is also a modification; a number of concessionaires are working with non-beachfront properties, giving them space and the ability to use the Beach concession area; they cleaned-up the guidelines so that this information is disclosed, and then that non-beachfront property would have to provide the insurance and pay the per unit fee in addition. A requirement has also been

added to the north/south distance of the workable area, concessionaires cannot set up more than 40% for their huts and storage equipment. Currently there are no restrictions or limitations; it is a new requirement. Signage that reads "Beach Open To The Public" has to be in all storage boxes and concession huts as well. Food and beverage was a highly debated item; since 2001 when food trailers were grandfathered in, the intent in the language in the existing Rules and Regulations was that it should not exceed a period of more than their normal life expectancy from the manufacturers date. They still have food trailers and their life expectancy has not reached their limit, so they propose one-year from the time of adoption of these Rules and Regulations that they need to be removed. At Neighborhood/Committee Affairs Committee, it was recommended two-years from the date of adoption of these rules for their removal; at the end of that period then the City would issue an RFP for designated locations for huts, and food concessions on the beach. Additional requirements for waste disposal and recycling were added, as well as for disposable ashtrays, and the concessionaires are responsible for cleaning the area. Storage trailers have to be removed and can only be brought on for weekends, peak periods or holidays. Anything beyond that requires approval from the City Manager, and trailers have to be removed every evening. City Code requirement prohibits glass or aluminum or cans on the beach, with an exception for plastic bottles and caps. Commissioner Malakoff has asked for a prohibition on plastic bags and on plastic cups. The Marine & Waterfront Protection Authority has asked that the only exception to plastic be biodegradable plastic cups or reusable plastic cups. He asked direction on how to proceed with the cups.

Commissioner Malakoff added the glasses made out of corn are biodegradable and are acceptable and reasonable in price for the hotels. She recommended the prohibition of plastic bags and plastic cups, unless they are recyclable, biodegradable or reusable.

Commissioner Rosen Gonzalez inquired about sanitation bags.

Mr. Sklar responded that plastic bags refer to shopping bags, as there is a concern that if individuals order "food to go" a shopping bag be used, but they can make a clarification.

Commissioner Grieco asked if an economic study has been conducted as the difference in cost of what this recommendation would be. Mr. Sklar responded that no study has been done. Commissioner Grieco added that this has been discussed for two years, and he cannot support the item without having an economic impact on the hotels and concessionaires. He is for keeping the beach clean but is concerned on the economic impact.

Max Sklar explained that there is an exemption for plastic cups and plastic bottles. This is the only method to serve food items.

Commissioner Grieco stated that there was a recommendation to use biodegradable plastic, but he does not know how much more expensive that would be.

Discussion held.

Vice-Mayor Steinberg suggested referring for discussion the issue of plastic cups and bottles to the Sustainability Committee.

Commissioner Malakoff suggested using reusable plastic cups, which are acceptable.

Discussion continued.

Mr. Sklar added that they are also adding the enforcement assuming these are adopted. Currently they have the ability to issue warnings for violations of these Rules and Regulations. Presently they are adding monetary fines associated : (1) First offense a penalty of \$250.00; (2) Second offense for the same violation within a 12-month period a penalty of \$500.00; (3) Third offense for the same violation within a 12-month period a penalty of \$1,000.00; (4) Fourth offense and subsequent offenses for the same violation within a 12 month period a penalty of \$1,500.00. Neighborhood/Committee Affairs Committee endorsed the fees at their last meeting.

Discussion continued.

Commissioner Alemán requested staff to request concessioners and their employees to place the trash in the recycle bins.

Morris Sunshine, on behalf of Dan Kipnis, Chairman of the Marine & Waterfront Protection Authority, stated that the Committee proposed eight amendments to the Resolution. His objections to the existing text are as follows: the proposal does not adequately protect proper access to the beach. For years, beachfront concession sites have been operating under the 60/40 Rule. Sixty percent (60%) of the site is available for concession use, or what is called the workable area, and the 40% is for the public. This rule has not been breached. The workable area is equal to the concession area, and they believe that public access to the beach would become more difficult. The current proposal adequately protects access to the beach and the signs will not work; however, the draft prepared suggests or implies that there could be space for the public in front of each concession. If 20 feet were set aside between a high watermark and the first row of chairs of each concession, that might be sufficient to make things feasible. He asked that they consider this.

Henry Stolar recognized Max Sklar for his commitment and patience, and stated that on the enforcement and penalty provisions, in one respect, this is too lenient, and in other respect is too harsh. It is lenient in that the requirement for the penalty is for the same offense and this has never been done. The penalty accelerates as one goes through violations in this section. It is important to understand that the pattern has always been an Ordinance with a fine schedule that is lenient to begin with. He thinks it is too harsh when there is no remedy to the Special Master. There is a notice of violation and there is no remedy. He distributed his proposed amendments on these two points.

Motion made by Commissioner Grieco to adopt the Resolution and refer a separate discussion item to alternative to plastic ware to the Sustainability Committee; seconded by Commissioner Malakoff. Voice-vote: 7-0.

Commissioner Malakoff asked if there should be a warning for the first offense, before the fine of \$250, or is the fine low enough that the warning is not required.

Mr. Sklar stated that there are written warnings.

City Clerk's Note: City Clerk Granado announced that Commissioner Rosen Gonzalez is absent, but she recorded her vote as a "yes."

Handouts or Reference Materials:

1. Third Amended and Restated Rules and Regulations for Beachfront concession Operations proposal submitted by Henry Stolar.

3:20:11 p.m.

R7F USGS - Joint Funding Agreement - Geophysical and Groundwater Investigations - Flood Mitigation Program

A Resolution Approving And Authorizing The City Manager To Execute A Joint Funding Agreement (JFA) With The United States Geological Survey (USGS), For The Purpose Of Conducting Geophysical And Groundwater Investigations To Incorporate The Findings Into The City's Comprehensive Groundwater, Flood Mitigation And Sea Level Rise Program; Which JFA Is Attached Hereto As Exhibit 1.

(Public Works)

ACTION: Resolution 2016-29404 adopted. Motion made by Commissioner Malakoff; seconded by Commissioner Alemán; Voice-vote: 6-0; Absent: Commissioner Rosen Gonzalez. **Eric Carpenter to handle.**

Jay Fink, Assistant Public Works Director, explained that this is a joint effort and the City is looking to engage USGS with the City's work to look at the hydrogeology below the surface at ground level associated with the sea level rise effort. USGS plans to install three monitoring well clusters along a north/south corridor in the City of Miami Beach and borehole geophysical data will be collected from the three cored deep monitoring wells at each cluster. The borehole geophysical data collected by the USGS will be used to aid the City in determining the depths of the monitoring zone intervals to serve as a baseline for an additional 11 monitoring well clusters, of the same characteristics with the AECOM effort. The investigation by USGS will be conducted to provide sufficient information to accurately depict the subsurface hydro-geologic conditions underlying the City for model conceptualization and to assist with the installing of a system of monitoring wells. The City benefits, because this will engage USGS and their resources in the City's overall effort.

In answering Mayor Levine's question City Manager Morales is in favor of the recommendation.

Motion made by Commissioner Malakoff; seconded by Commissioner Alemán; Voice-vote: 6-0; Absent: Commissioner Rosen Gonzalez.

10:51:44 a.m.

R7G A Resolution Urging The Florida Department Of Environmental Protection To Take Action To Protect The Residents Of Southeast Florida From The Hazards Of Saltwater Intrusion Into The Biscayne Aquifer And Biscayne National Park.

(Sponsored by Commissioner Kristen Rosen Gonzalez)

(Requested on April 13, 2016 - R9N)

(Legislative Tracking: Office of the City Attorney)

ACTION: Resolution 2016-29405 adopted. Motion made by Commissioner Rosen Gonzalez; seconded by Commissioner Arriola. Voice-vote: 7-0. **Office of the City Attorney to handle.**

City Clerk's Note:

Commissioner Grieco was absent during the vote, but later voted in favor of the Resolution.

Commissioner Rosen Gonzalez introduced the item. This Resolution came about from the previous City Commission meeting when FPL attended and discussed how the local water table is under siege by saltwater intrusion. This item will send a strong message to the State Government that they need greater regulations to avoid future saltwater intrusions. She would like to send this Resolution to the Florida Department of Environmental Protection.

City Clerk's Note: Commissioner Grieco was absent during the vote, but subsequently recorded his vote as a "yes."

10:52:45 a.m.

- R7H A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee That The City Administration Conduct A Design Competition For An Iconic Crosswalk/Intersection Incorporating The Rainbow Theme At 12th Street And Ocean Drive.
(Sponsored by Commissioner Ricky Arriola)
(Transportation)

ACTION: Resolution 2016-29406 adopted. Motion made by Commissioner Alemán; seconded by Commissioner Arriola. Voice-vote: 7-0. **Jose Gonzalez, Thomas Mooney and Alex Denis to handle.**

DIRECTION:

Put out an RFP for the crosswalk design.

Commissioner Arriola stated that the LGBT community suggested having a design competition for the crosswalk at 12th Street and Ocean Drive, and he supports the idea. He requested that the project be expedited within 90 days.

Jose Gonzalez, Transportation Director, explained that there are two options to move forward. The first is to go ahead with the Art in Public Places Program that would take four to six months. The second option would be to issue an RFP for services, and it would take less time.

City Clerk's Note: Commissioner Grieco was absent during the vote, but subsequently recorded his vote as a "yes."

- R7I A Resolution Approving And Authorizing Amendment No. 3 To The Development Agreement Between The City And Jameck Development, Inc. (Jameck Or Developer), Dated July 23, 2014, For The Design, Development, And Construction Of Certain Streetscape Improvements In The City's Right Of Way, At The Portion Of Euclid Avenue Between Lincoln Road And Lincoln Lane South (The Project); Said Amendment Approving A City Requested Change Order, In The Amount Of \$23,466.25, Relating To Unforeseen Site Conditions, New FPL Service Point, Handhole And Riser For The Project; And Increasing The Guaranteed Maximum Price (GMP) Of The Project From \$819,838.88 To \$843,305.13 In Connection With Said Change Order; And Increasing The City's Budgeted Costs For The Project, From \$466,500.86 To \$479,853.16, To Include The Cost Of The Change Order; And Further Authorizing The Mayor And City Clerk To Execute Amendment No. 3.
(Public Works)

ACTION: Item deferred to the June 8, 2016 Commission Meeting. **Eric Carpenter to handle.**

10:55:37 a.m.

R7J A Resolution Creating An Ad Hoc Beachfront Management Plan Advisory Group In Accordance With Section 259.032(8)(b) Of The Florida Statutes To Review And Provide Input On The City's Updated Beachfront Management Plan And Prescribing The Duties, Appointment, And Terms Of The Advisory Group's Members.

(Environment & Sustainability)

ACTION: Resolution 2016-29407 adopted. Motion made by Commissioner Alemán; seconded by Commissioner Grieco. Voice-vote: 7-0. **Elizabeth Wheaton to handle.**

RECOMMENDATION:

In accordance with Section 259.032(8)(b) Florida Statutes, an Ad Hoc Beachfront Management Plan Advisory Group is to be created with terms commencing on June 1, 2016 and expiring on May 31, 2017.

Elizabeth Wheaton, Environment & Sustainability Director, introduced the item. The City is in the process of updating the Beachfront Management Plan with the Division of State Lands. The State requires the City to have an advisory group to provide guidance through the process. The Advisory Group needs to be extended for another year, because the State will not be accepting the draft until this June.

SUPPLEMENTAL MATERIAL 1: MEMORANDUM

3:22:02 p.m.

R7K A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee, And Authorizing The City Manager To Direct The Communications Department To Create A Public Service Announcement Regarding Illegal Short-Term Rentals Through Direct Contact With Realtors, And Social Media Notifications.

(Sponsored by Commissioner Michael Grieco &
Co-Sponsored by Commissioner John Elizabeth Alemán)
(Code Compliance)

ACTION: Resolution 2016-29408 adopted. Motion made by Commissioner Alemán; seconded by Commissioner Grieco. Voice-vote: 6-0; Absent: Commissioner Rosen Gonzalez. **Tonya Daniels to handle.**

Commissioner Alemán stated that great steps have been taken to raise fines on illegal short-term rentals. She attended a Special Master hearing recently, and it was in tune to the new City Commission policy on short-term rentals. She also would like a video to educate the public and especially realtors on the consequences of illegal short-term rentals.

Tonya Daniels, Communications Department Director, stated that per direction, her team will create multiple media pieces geared towards realtors.

Commissioner Grieco stated that the City needs to work together with the condominium associations, not just with the residents whose quality of life is being negatively affected.

Mayor Levine asked what can be done if the condominium associations are knowingly allowing illegal short-term rentals.

Aleksandr Boksner, Deputy City Attorney, stated that the City has means of addressing a Board or President violating City Ordinances, but they are normally very heavy handed, and reserved for

the most egregious circumstances.

Clerk's Note: See comments during the Dr. Stanley Sutnick Citizen's Forum R9B2 (6).

10:56:25 a.m.

R7L A Resolution Clarifying Resolution No. 2015-29244 And Approving The Attached Final Application, Program Details, And Design Guidelines For The Washington Avenue Pilot Parklet Program.

(Transportation)

ACTION: Resolution 2016-29409 adopted as amended. Motion made by Commissioner Malakoff; seconded by Commissioner Grieco. Voice-vote: 7-0. **Eric Carpenter to handle.**

AMENDMENTS:

- If parklets conflict with loading zones, move loading zones to a business without parklets
- Clarify language that parklets are meant for sidewalk cafes primarily
- Parklets can be used with landscape
- If parklets go beyond business frontage, must obtain consent from neighboring property
- Parklets associated with businesses with corner frontage may want to have side parklets
- If a restaurant opens a sidewalk café, they should be able to get the parklets
- Parklets are not meant for kiosks

Jose Gonzalez, Transportation Director, introduced the item. The purpose of the item is to clarify a few points regarding parklets, and to adopt formally the pilot parklet manual. He went through the six points: 1) parklets associated with businesses, with corner frontage on Washington Avenue may be constructed on side streets but shall be counted as the parklet for that particular block on Washington Avenue; 2) parklets may consist of one or two parking spaces; 3) parklets may cross over between business frontages, but each parklet applicant shall use his or her best efforts to align the parklet with the business frontage; 4) the consent of a landlord shall not be required for a parklet; 5) sidewalk cafes may be introduced to parklets; and 6) If parklet expands beyond property or business frontage, the same procedure that applies to sidewalk cafes shall apply to parklet applicants and permittees.

Commissioner Malakoff stated that the parklets are meant for sidewalk cafes primarily, and not for business or sales. The language has to be clear. Parklets can be used with landscape; that is a possibility. If parklets expand beyond business frontage, they must obtain consent from neighboring property owners. Parklets that are associated with businesses with corner frontage, may want to have a parklets on the side; this will be reviewed on a case-by-case basis in order for cars to move around. If a restaurant wants to open a sidewalk cafe, they should be able to get the parklets. Parklets are not meant for kiosks selling knick-knacks.

Discussion held.

Commissioner Grieco asked what would happen if a parklet conflicts with an existing loading zone.

Saul Frances, Parking Director, stated that they will look into the matter, but loading zones will take precedent.

Commissioner Malakoff suggested when parklets conflict with loading zones to move the loading zones to a business that does not have parklets.

R9 - New Business and Commission Requests

R9A Boards and Committees Appointments.
(Office of the City Clerk)

ACTION: The following appointments, reappointments and changes were made:

AFFORDABLE HOUSING ADVISORY COMMITTEE

Pilar Carvajal (1) Residential Home Building
TE 12.31.16 TL 12.31.21 Appointed by City Commission

COMMITTEE FOR QUALITY EDUCATION IN MIAMI BEACH:

Stewart Turner TE: 12.31.16 TL: 12.31.23 Appointed by Commissioner Grieco
Beth Edwards, Nautilus PTSA representative

COMMITTEE ON THE HOMELESS

Lori Bakkum TE: 12.31.17 TL: 12.31.23 Appointed by Commissioner Grieco

MAYOR'S BLUE RIBBON STEERING COMMITTEE ON THE CONVENTION CENTER HOTEL

Commissioner Arriola, Chair	TL: 09.01.16	Appointed by Mayor Levine
Commissioner Rosen Gonzalez, Vice-Chair	TL: 09.01.16	Appointed by Mayor Levine
Jorge Exposito	TL: 09.01.16	Appointed by Mayor Levine
Leslie Tobin	TL: 09.01.16	Appointed by Vice-Mayor Steinberg
Saul Gross	TL: 09.01.16	Appointed by Commissioner Alemán
Debra Leibowitz	TL: 09.01.16	Appointed by Commissioner Grieco
Paul Freeman	TL: 09.01.16	Appointed by Commissioner Malakoff

Effective May 1, 2016

TE: Term Ending

TL: Term Limit

Handout and Reference Materials:

1. City Commission At Large Nominations for May 11, 2016 – Release #1.

3:25:35 p.m.

R9A1 Board And Committee Appointments - City Commission Appointments.
(Office of the City Clerk)

ACTION: Motion to appoint Pilar Carvajal to the Affordable Housing Advisory Committee to the position of (1) Residential Home building, made by acclamation.

Rafael E. Granado, City Clerk, announced that Pilar Carvajal had been nominated to the Affordable Housing Advisory Committee by Commissioner John Alemán.

Handout and Reference Materials:

1. City Commission At Large Nominations for May 11, 2016 – Release #1.

R9A2 Three (3) Available City Appointments To The Miami Design Preservation League, Inc. (MDPL) Executive Committee.

(Office of the City Manager)
(Deferred from April 13, 2016 - R9A2)

ACTION: Item deferred to June 8, 2016.

8:30:26 a.m.

R9B1 Dr. Stanley Sutnick Citizen's Forum.

ACTION: The following individuals spoke:

1. Milena Almodovar and Kilay Hernandez are artists in the area, and represent Florida Opera Prima. Ms. Almodovar stated that on February 28, 2016, they held an event at the Colony Theater. They advised of concerns about the theater and its crew in regards to the cost, as well as quality and service of the workers at the theater. They feel the cost makes it difficult for non-profits to utilize the theater and felt the workers were performing at a sub-par level due to protection by the union. They asked the City Commission to review their points and consider the lack of chamber for musicians, not enough microphones, doors not opened in time for the show, and overall mood with the workers.

City Manager Jimmy Morales said it was the first time he has heard of these issues and mentioned Spectra as the manager for the theater. He asked the speakers to send him something in writing with their concerns so they can be addressed with Spectra Management.

2. Kirk Paskal wanted to bring up four items to discuss. The first item was C4I regarding Town Center and 72nd Street. He said there is a concern about how the project will affect the area to the north and the green corridor. He then brought up item R9O and stated the project is moving quicker than he had hoped. There is concern about losing structures that were being planned around. He is in favor of the moratorium for item R9O. Lastly, he wanted to express his hope to discuss the Ocean Terrace issue and Altos Del Mar Park restroom issue.

Commissioner Alemán wanted to add as clarification that UNIDAD Senior Center has public restrooms that will be open during the day.

3. John L. Thompson III has been employed with the City of Miami Beach for 12 years. He wanted to bring up concerns regarding a problem with his hourly pay rate. He was given full commitment by department heads that the problem would be taken care of. He wanted to bring up the concerns in front of the Commission.

City Manager Jimmy Morales advised that this is an HR personnel matter and it is not appropriate for the Mayor's Office to respond according to the Charter. Mr. Morales advised he was under the impression an agreement had been reached, but more follow-up will continue.

Mr. Thompson III stated he feels the solution provided was only temporary and has not been fully resolved.

4. Matt Wilson, who is a resident of Miami Beach and a current bartender at a bar called Twist, who previously had worked at Story Nightclub, wanted to bring up concerns regarding smoking indoors and the health problems it presents. He brought up other cities that have passed laws regarding indoor smoking and states revenues have not decreased.

Commissioner Grieco responded by stating there is a State preemption statute that prevents local governments from creating laws prohibiting smoking anywhere, unless it involves playgrounds. The City continues to make it a part of their lobbying agenda. Commissioner Grieco stated it is a challenge when people high in the State Legislature own cigar companies. He mentioned that he agrees with Mr. Wilson's concern.

5. Francisca Medina, who is a resident of North Beach, wanted to address the restroom topic. She stated opening the UNIDAD Center is a step in the right direction, but feels it is not enough. She said it is embarrassing to see people on the boardwalk trying to find a restroom. The other point she wanted to mention concerns the North Beach neighborhood and its long-term vision. She said that some development projects and demolition requests do not seem to relate to the Master Plan. Ms. Medina said many residents have grown frustrated and anxious that the City does not postpone or stop proposals that could compromise the balanced vision they seek for the Master Plan. She said the residents are asking for a moratorium on demolitions. To ignore that and move forward with demolition requests and development projects would be a huge blow to all who have worked diligently to keep the planning process moving with widespread consensus.

Commissioner Malakoff stated that herself and Commissioner Arriola have an agenda item to provide a moratorium pending the Master Plan.

Commissioner Alemán wanted to provide added clarification regarding UNIDAD Center restrooms operating hours. Parks and Recreation Director John Rebar advised the operating days and hours and anybody can email him for a confirmation of the schedule.

6. Paula King, Vice President of the Biscayne Beach Neighborhood Association came forward to discuss four items. Firstly, she stated they would like to wait until a Master Plan is completed before any up zoning is approved in North Beach. She believes the moratorium is a good idea. The restrooms are needed in the Altos Del Mar Park. Next, she addressed the Ocean Terrace Overlay. She stated the people voted against height on Ocean Terrace. She states they want to maintain the character of the neighborhood.
7. Brad Bonessi who lives in Ocean Terrace expressed hope that people can respect opinions and work together to get to the same point. He states that regarding Ocean Terrace, parking is needed along with relocation of the library to the Town Center. He suggested the parking be subterranean along with parking for Ocean Rescue, bathrooms and retail. He thinks it will make many people happy. He wants to make Ocean Terrace a gem and wants to see a "South Pointe" in North Beach.

01:03:01 p.m.

R9B2 Dr. Stanley Sutnick Citizen's Forum.

1. Helen Swartz, member of the Disability Access Committee, is concerned about the South Beach Local high-floor trolley, which requires wheelchair bound individuals to get on the trolleys at the back of the bus, and backwards. Getting onto the platform backwards is very difficult. She presented a video of her experience getting on to the trolley. She asked the City Commission to experiment with a low-floor trolley.

Vice-Mayor Steinberg stated that she sponsored an item to have this discussion. The trolley options will be discussed.

Commissioner Malakoff suggested Ms. Swartz bring her video to the Neighborhood/Committee Affairs Committee meeting on Friday, May 13. **Morgan Goldberg to place on the Committee Agenda. Jose Gonzalez to handle.**

2. Leif Bertrand stated that trolleys, in contrast with low-floor Gillig buses, are not designed for mass transit, and in the end will cost more in maintenance and servicing. He suggested the City implement the federally approved Gillig busses.
3. Mark Keller, Altos Del Mar Park Association President, suggested locations for the public restrooms and stated that his concern is not the actual location, but the fact that the park is unsafe. He wants to continue the progress that has been shown with Ocean Terrace.
4. Raphaella York stated that there is a need for clean air to breathe. When she goes out in South Beach, she runs into a lot of cigarette smoke, and most recently spray-on sunscreen, which covers a big distance. These spray-on sunscreens carry many chemicals that go into one's lungs, and unnecessarily put people at risk. She asked the City Commission to consider the elderly who use the beaches during the winter months, and need clean air.

Commissioner Malakoff stated that the City Commission would like to ban cigarette smoking on the beaches, but there is a State law that pre-empts this ban.

5. Joseph Suegro stated that he appreciates the need for public restrooms and parks, but the proposed new restrooms are poorly planned. He asked why the facility on 79th Street could not be updated to serve as storage. He also stated that the Bandshell bathrooms are locked, when they should be opened to the public.

Commissioner Alemán stated that the restrooms at the UNIDAD building will be open 7 days a week, from 8 a.m. until sundown.

6. Carol Housen, spoke regarding item R7K, she thanked the City Commission for the new Ordinance, and believes it is the right way to address illegal short-term rentals.
7. Tom Richardson stated that he had originally voted against the Ocean Terrace Overlay District, but since then, the developer has done a great job. The only issue is still the height, but he believes the new development will have many benefits to the community. He added that regarding public restrooms, there should be facilities in the park.

5:08:38 p.m.

R9C Referral To The Planning Board - Proposed Ordinance Amendment Pertaining To CD-2 Height And Setback Requirements In The Sunset Harbor Area.

(Sponsored by Commissioner Joy Malakoff)

(Legislative Tracking: Planning)

(Deferred from March 9, 2016 - R9K)

ACTION: Item deferred. Motion made by Commissioner Alemán; seconded by Commissioner Grieco to defer the item to the **June 8, 2016** Commission Agenda, with the direction to pre-advertise a referral to the Planning Board. Voice-vote: 5-0; Absent: Commissioner Rosen Gonzalez. Abstained: Mayor Levine. Lilia Cardillo to place on the Commission Agenda, if received. **Thomas Mooney to handle.**

City Clerk's Note: Form 8B, Memorandum of Voting Conflict for County, Municipal, and Other Public Officers filed by Mayor Levine on March 16, 2016. Clerk 8B # 130. As per the City Attorney, there is no need to file a new Form 8B, as the conflict was previously reported.

DIRECTION:

Pre-Advertise Referral to Planning Board

Commissioner Malakoff repeated that Mr. Rose, from the Urban Land Institute, says that zoning should focus on outcomes, quality of life, rather than the height of the buildings, and she thinks this is a perfect example.

Thomas Mooney, Planning Department Director, presented the item, which was referred to Land Use & Development Committee. The item is a proposal amending CD-2 section of the Code to modify the height and setback requirements specific to an area of Sunset Harbor. In accordance with the recommendation of the Land Use & Development Committee, the Administration recommends the City Commission to refer the item to the Planning Board.

Vice-Mayor Steinberg explained that although this is not a public hearing, she will open up the hearing to the public to speak for a few minutes.

Michael Larkin, Esq., representing Deco Capital Group, is here with Bradley Colmer and David Buckner, Esq., litigation counsel. He explained that the referral is the result of a proposal they made for change to the CD-2 in Sunset Harbor to encourage some mixed-use development. Their development, a mixed-use project of 15 luxury condominium units and commercial development on the ground floor, can replace a collection of heavy commercial uses with the right kind of development for the area south of 18th Street. The amendment was recommended to referral to the Planning Board by Land Use & Development Committee. They are simply requesting a referral as it is done on a routine basis. He added that they have worked hard with the Sunset Harbor community and have their support, as well as Belle Isle residents. However, they have not yet reached agreement with The Lofts or Beach Towing, pending agreement. The project provides height and setback relief for mixed-use development on Purdy Avenue south of 18th Street. The project is focused on the pedestrian experience with wide sidewalks and retail restaurant storefronts. They continue to work with the City and the community and ask for their support for this referral.

Bradley Colmer, Deco Capital Group, thanked the City Commission for the opportunity to speak and added that with the tremendous neighborhood support and feedback received, they are still in the process of refining the final product and connecting with all of the City's constituents to

explain why this is a proposal that does not just benefit private interests, but enhances the public interest and the community as a whole.

They brought experts to their team, architects, designers, engineers and urban planners, and are hoping that a responsible, mindful program that makes it economically feasible to create beautiful public and private spaces, like the proposed breezeway, and one that sets a good precedent in conceptual pedestrian development is a worthy cause for the City to support. He has lived in Miami Beach since 2004, and cares deeply for the City and neighborhoods, in particular Sunset Harbor. He is thankful to have had the opportunity to become friends with the neighborhood residents and business owners, such as Nancy Liebman, Marilyn Freudlich, Scott Diffenderfer, Andrew Resnick and others, who have given guidance along the way. They requested a referral to the Planning Board.

Wendy Joseph, Secretary to the Board of Belle Plaza Condominium, strongly supports the Purdy Avenue project for many reasons; it is aesthetically beautiful, low density, with only 50 apartments; it would be another place they can walk to, retail, possibly mom-and-pop stores, restaurants that will lead to an expanded Sunset Harbor neighborhood as a destination. The area has attracted celebrities, and they appreciate that; however, they do not understand the reason Beach Towing is opposing the project, since it has nothing to do with their business. Beach Towing should obey traffic laws that everyone must obey. They should not make illegal turns at Bay Road, or make illegal U-turns crossing the double yellow line on Dade Boulevard. They are a danger to pedestrians and other vehicles. She has been in contact with the Police Captain for many years about the problem; he puts unmarked car at the foot of the bridge and Beach Towing will behave for a few days. They continue to act as if they own the road, and this mentality cannot continue to exist. She added that Beach Towing needs an in-service course in traffic laws and how to be good neighbors, as they are not. The purpose of them being here today, is mainly to get this City Commission to realize that the project should be approved, let it go through the usual Code amendment process like other amendments. She asked that the City Commission listen to the residents and give Sunset Harbor another destination they can enjoy and prosper.

Nicholas Machado, President of The Lofts, property adjacent to the proposed project, disagreed with previous comments. He thinks this is really about an Ordinance change put in place by a prior City Commission in order to protect the quality of life. That is why they are protesting this; they do not think it is necessary to change the law in such a way to benefit only one property, when this law has been in place since 1999. The proponent is not negotiating with them in good faith; they have carried out attacks against his person and have mailed the residents of his building, basically using insinuation to allege things that are not true.

Inga Luccisaenis, Sunset Island IV resident, strongly opposes the item. She is not clear if the City is trying to up zone or beautify the area, and asked for clarification. To her, it is not about beautifying; it is about zoning. Studies have been done and she asked that they be careful if they need an extra few feet, increase from 50 to 60 and let it be. They are by the water with fantastic views, public park and area, and if they need more shade then plant more trees.

Harry Ream, The Loft resident, added that Nancy Liebman and the City Commission suggested that they get together with the developer Deco Capital to negotiate with them; there was mediation, but that did not work out; they are reasonable people. There are many people in the room that are in support, but they live blocks away. They are the only ones that are directly impacted by what is happening. They do not believe the developer and the promoter negotiated in good faith. Direction was followed, but they got nowhere. The Ordinance was passed in 1999, and they are looking to increase from 50 feet to over 90 feet; that is over 80% increase, and they do not think this is right. They should abide by the current zoning, they knew with the zoning was.

Coleen Marlo is in disagreement. They appreciate everything they have done for the island; the towing company is not something they appreciate. Beach Towing does not respect the laws, and do not respect anything about it. As island residents, they want that, and she prefers to have a residences on the island, as opposed to tow trucks.

Peter Luria thinks it is a beautiful project and it would be great on Ocean Terrace. He has an issue with spot zoning. This Ordinance is set up so that only this project can avail itself of it. They have to have 200 feet minimum on this one block, and they have 215. It avails itself only for this project and he thinks this is wrong. It is so much bigger in height. The garage is 50-feet, the new Marriott is 50-feet and the Fresh Market is only 40-feet. They will build 55-feet for the adjustment of the flooding as it is; and to go 90-feet is wrong in this area. Because it is spot zoning, he does not think that the item should even be referred Planning.

Marilyn Freudlich added that this is not a monolithic building; it has a tower in the middle, and the fact that it casts a shadow in the park is a misinformation. If this is true, it would be welcomed. They fought during a year to get a canopy at the park for shade for the children.

Nancy Liebman, on behalf of her daughter who lives across the street, asked why they are not looking at a project that will be compatible with the growth in the neighborhood. The two apartment houses in this area are a success. People use creativity on the ground. It would be tragic if this City Commission does not send this to the Planning Board, to have true feedback from the professionals on the Planning Board and then a decision can be made.

Adonis Garcia is offended by the group who has been disparaging the board at The Lofts and the residents. He has been consistent in his message, that he was open to concessions in heights, setbacks and entryway. However, no one has reach out to him. This City Commission directed to come up with an agreement, and nothing has happened. He feels that what is going on with the residents, they are making them the guilty party, but they are the victims, as they lived next door and are affected by it.

Rafael Andrade, Esq., on behalf of Beach Towing, explained that the developer is asking the City to change its law not to approve a project. The reason Sunset Harbor has thrived is due to the low-scale development. This developer wants to buy the property, subject to the current height restrictions and aware of a deed restriction that prohibits parking on their property, and asks the City to guarantee their investment; that is not the role of the City Commission. He added that this is spot zoning and that is illegal and will affect the quality of life of the neighborhood. The vote should be against the Ordinance, and referring it to the Planning Board is a waste of the City's resources. He urged to vote against the referral. This is also subject to pending litigation regarding the deed restriction.

Vice-Mayor Steinberg closed the public hearing and brought the discussion at the dais.

Commissioner Arriola is disappointed with both sides as no headway has been made during negotiations; instead, there is a great deal of nastiness on both sides, which is against the direction the Commission instructed them to go. There is no need to create any more problems in the City over these private matters. He focus is on what this project would mean for the residents of Sunset Harbor, and there is strong public support for the project, although there are legitimate concerns that have not been addressed, particularly with the residents of The Lofts. He does not like that the developer has attacked Beach Towing, a responsible company that gives back to the community, and does not like the threats of putting people out of business. He does not want to reward bad behavior, and there has been bad behavior on both sides. He wants to see the

project move forward, taking into account the concerns of residents at The Lofts. He stressed that both parties resolve this quickly.

Commissioner Alemán has been in favor of this project; it is consistent with the community and there is a legal opinion that it is not spot zoning. A shadow study has been done and they know is not a dense project, it also derives a public benefit. There has been much nastiness on both sides. They need a tow company in the community, and there is nowhere else for the company to go. Customer service can be improved by the towing company and they need to focus on that aspect; however, she does not like threats about putting small business owners out of business if they do not get in line, and the legal matters between the parties have to be worked out among themselves. She will ask for a meeting after this and will work with the Office of the City Attorney to make sure the community covenant protect the residents. She is in support of referring to the Planning Board. She requested that they reach a quick solution with the neighbors at The Lofts.

Commissioner Malakoff stated that this is not about the towing companies; she thinks this is consistent, and when looking at the guidelines of what should be a good urban project, this meets those guidelines. There will be neighborhood retail, a good pedestrian experience, and she thinks it is in the public interest and is in support of referring the item to the Planning Board so they can opine and make changes. This is a fine project. The zoning should focus on outcomes, not on the height of the building. This is a residential area and there is no need for heavily commercial traffic.

Commissioner Grieco has always opposed this item. He ran for office to do things at policy level, but not to vote on specific projects. There has been nothing prior to this developer buying this piece of property discussed at the City Commission; the developer hired good lawyers and a team of lobbyists and they are now trying to change the rules. He agreed that it is not spot zoning, but philosophically, it is in the spirit of spot zoning. If the neighborhood is changing from industrial and commercial to mixed use and residential, let them have that conversation, but he does not want to set a precedent. His philosophy is that when they bought the property, if this Ordinance passes, their property value will go up. This can be a pervasive problem throughout the City and he is afraid of the "spirit" of spot zoning being violated in this project.

Commissioner Arriola added that he is sensitive to Commissioner Grieco's comments, but smart development helps rejuvenate an area and justifies the support; Sunset Harbor is changing, and is not just the economic value for the developer, but the entire public benefit for the community, but also for The Lofts residents. Residents at The Lofts are concerned mainly with the height and there may be a potential to decrease the height. Beach Towing is concerned about the preservation of their business and being able to coexist in harmony with a residential development across the street from them. If these concerns can be resolved, can the problems go away? However, he has been told that both the Beach Towing and the folks at The Lofts have added an additional financial demand, and some residents at The Lofts have not been included in those discussions because of legal counsel representing The Lofts, and so they are putting neighbors against neighbors, and there has been misrepresentation on that issue, and this is troubling to him. He asked representatives on both sides, if they can do something to work this out today.

Michael Larkin, Esq., stated that the sticking point is the financial element that is hard to come to agreement on, and its scope. For The Lofts is the modification of the height, but the financial element is where the divide is. They can work with them on both issues, as long as it is reasonable, but they will work with The Lofts and Beach Towing to try to close the gap.

Adonis Garcia has been consistent from the beginning; there was a setback issue; these are issues that can be worked out. The project is beautiful, but no one has reached out to him during the past months; so he has been consistent with this message.

Discussion held.

Commissioner Arriola stated that what has been presented to him is that his board has added an element of financial contribution that is the “sticking” point, and that perhaps has frustrated efforts in obtaining an alternative design, as the demand is too hard to meet. People need to back off these numbers to more reasonable number to address those design concerns.

Adonis Garcia stated this project can be accomplished with their concerns and asked guidance on how to proceed.

Discussion held.

Commissioner Grieco is concerned that this City Commission has turned into a mediator, and that is not their jobs. He suggested that both parties work it out.

Commissioner Arriola agreed and stated he is not inclined to continue deferring the item, unless a deal is resolved, but will send it to the Planning Board.

Inga Luccisaenis stated that this is not about making either party happy or who makes money, but this is about zoning and the residents.

Commissioner Alemán reiterated her position, and she is in favor of the project and is in support of referring to Planning Board. She agreed with Commissioner Grieco and will not put herself in the position of a mediator between both parties.

Rafael Andrade, Esq., stated that they are not asking for anything, but the developer is. He clarified that if the matter continues for a period of 30 days they will work with the developer to achieve a positive outcome. He clarified that his client owns the property right, in the form of a deed restriction, which prohibits their project from being built because they cannot meet their parking requirements. The deed is not for sale, but in the spirit of cooperation, if they want to make an offer, they will listen.

Vice-Mayor Steinberg would like to see a process going forward, but stated that Commissioners Rosen Gonzalez and Grieco have opposed this item all along so the item might be moot.

Discussion held.

Michael Larkin, Esq., thinks that a referral to the Planning Board is the appropriate way to go, and they commit to meet with The Lofts and Beach Towing before the item being presented in front of the Planning Board in June. He understands the concerns and can discuss further.

Motion made by Commissioner Alemán to refer to Planning; seconded by Commissioner Malakoff.

Commissioner Arriola would like to extend the parties 30-days.

Commissioner Grieco suggested deferring the item to the next June 8, 2016 Commission Meeting.

Motion made by Commissioner Alemán was withdrawn.

Motion made by Commissioner Alemán to defer the item.

Eve Boutsis, Chief Deputy City Attorney, asked if the item is to go to the Planning Board at the end of June, there may be a 10-day pre-advertisement issue.

Discussion held regarding delaying the item.

Commissioner Arriola suggested deferring to the next Commission Meeting, to give 30 days to try to resolve and bring back to the City Commission, and then decide if the item goes to Planning Board or not.

Raul J. Aguila, City Attorney, clarified for the public, that there is a motion to defer this item to the June 8 Commission Meeting. However, in case the item is referred to the Planning Board in June, a notice will be sent to the newspaper, under the law; however, that does not mean that the item will actually be referred.

Motion by Commissioner Alemán; seconded by Commissioner Grieco to defer the item to the June 8, 2016 Commission Meeting, with the direction to pre-advertise a referral to the Planning Board. Voice-vote: 5-0; Absent: Commissioner Rosen Gonzalez. Abstained: Mayor Levine.

David Buckner, Esq., Litigation Counsel, stated that part of the information has been deprived from this City Commission because there is a mediation process and a mediation privilege. They are prepared to waive the mediation privileges. They ask that the City Commission ask the other party when the 30-days are up, to waive it as well, to understand who is and who is not being reasonable.

Commissioner Grieco suggested that both parties work this among each other and not involve the elected officials.

Handouts or Reference Materials:

1. Form 8B, Memorandum of Voting Conflict for County, Municipal, and Other Public Officers filed by Mayor Levine on March 16, 2016. Clerk 8B # 130 (See Clerk's Note.)

R9D Discuss Waiver Of Outstanding Parking Lieu Fees For Red Steakhouse, 119 Washington Avenue.

(Sponsored by Commissioner Michael Grieco)
(Deferred from April 13, 2016 - R9O)

ACTION: Item withdrawn by Commissioner Grieco.

Handouts and Reference Materials:

1. Email from Jose Smith, josesmithmb@gmail.com, dated May 10, 2016 RE: Ocean Terrace Overlay Ordinance.

3:25:58 p.m.

R9E Discussion On Transportation System Branding.
(Transportation)

ACTION: Discussion held. There was consensus to select blue as the color for the branding. **Jose Gonzalez to handle.**

Tonya Daniels, Communications Department Director, stated that they have been working closely with the Transportation Department to create branding for Transportation moving forward. If this becomes a larger system, they want to make sure that they have a comprehensive branding system that utilizes color and incorporates all modes of transportation, such as green bike lanes, walking paths, shared paths and water taxis.

Slide presentation shown.

R9F Presentation Of Miami Beach Light Rail/Modern Streetcar Preliminary Environmental Considerations.
(Transportation)

ACTION: Item withdrawn by the Administration.

3:30:57 p.m.

R9G Discussion On South Beach Circulator Options.
(Transportation)

ACTION: Discussion held. **Jose Gonzalez to handle.**

DIRECTION:

Item to go out to bid

Jose Gonzalez, Transportation Director, introduced the item. In January, the City Commission approved the South Beach trolley. Since that time, they have been working with Miami-Dade Transit (MDT). There is a South Beach Local bus service, and the City provides a funding contribution, which will terminate on February 21, 2017. They anticipate the light rail project to be in service by 2020. He is asking the City Commission for direction on how to move forward with the South Beach Trolley. He presented the City Commission with three alternatives: 1) Proceed with the trolley in lieu of the South Beach Local for a period of four years with the understanding that the four year amortization cost will be higher than five years; 2) Use the same type of vehicles, modified kneeling trolleys, that were approved to the Mid-Beach trolley route, or use low-floor vehicles; 3) Competitively procure the South Beach Trolley, and get a better understanding of the cost.

Mayor Levine stated that Miami Beach is pushing forward with the streetcar. There will not be a streetcar in place for at least three or four years; and even with the streetcar, the City needs trolleys as feeders to increase accessibility.

Commissioner Malakoff stated that the streetcar does not go to North Beach, and it does not offer complete coverage of South Beach. The trolleys will be needed for the next several years. She referenced the video shown by Helen Swartz regarding the difficulties in getting on the trolleys with a wheelchair.

City Manager Morales stated that they will move forward with the South Beach trolleys, and could repurpose the current fleet to make them more wheelchair accessible.

PowerPoint presentation shown.

Discussion held.

Mayor Levine reiterated his opinion that the best financial alternative is to have the streetcar and trolleys working in unison.

Commissioner Arriola addressed the fact that many Miami Beach residents believe that the trolleys are a short-term solution, when in fact, they are a long-term investment.

3:39:51 p.m.

R9H Discussing Regarding Permanent, More Attractive Variable-Message Signs (VMS) Throughout The City.

(Sponsored by Commissioner Michael Grieco)

ACTION: Discussion held. **Saul Frances to handle.**

Commissioner Grieco stated that the City's current Variable-Message Signs (VMS) are not very appealing, and do not provide the City with a world-class appearance. The VMS used by FDOT are a much better alternative, and he would like to see the City use those instead.

Kathie G. Brooks, Assistant City Manager, explained they are already looking into deploying more attractive VMS with updated software, and this process should begin by this summer.

Commissioner Arriola stated that everything the City does must be world-class. This attitude is very progressive, and will set the tone for the whole country.

9:57:25 a.m.

R9I Discussion To Consider The Acquisition Of Necessary Police, Fire And Emergency Management (DEM) Radio System Equipment.

(Sponsored by Commissioner John Elizabeth Alemán)

ACTION: Discussion held. **Police Chief Daniel Oates, Fire Chief Virgilio Fernandez and Chuck Tear to handle.**

Commissioner Alemán shared her experience while on a Police ride-along, and explained that the radio system, which is used by Emergency Management, and the Police and Fire Departments is outdated. She stated that when Police go into certain buildings they lose radio access, and also lose access when going over the causeways.

Chuck Tear, Emergency Management Director, stated that they are moving forward to provide the best and safest system for the future.

City Manager Morales added that two years ago, a contract was agreed upon, and this will be further addressed at the City Commission Retreat on May 12. The cost of the new radio equipment is \$10 million, and the decision should not be taken quickly given its cost. He added that Public Works, Parking Department, and IT also use this radio system. Other Cities have been looking into

adopting the P25 hardware, and it is possible to have a regional system in South Florida if multiple Cities use the same equipment.

Commissioner Alemán explained that the P25 hardware is what the City should get, and suggested having the vendors compete through a procurement process.

Vice-Mayor Steinberg asked if the County had a P25 system and added that if they are piggybacking they will save the City money. Both Coral Gables and the County use it, and there could be opportunities to piggyback and save the City money.

Alexander Heckler, Esq., on behalf of the Harris Corporation, stated that they have the contract with the County regarding their radio equipment, and look forward to the procurement process.

9:24:34 a.m.

R9J Discussion and Referral To The Land Use And Development Committee And The Planning Board - Regarding Proposed Miami Beach Marina Redevelopment And Associated Legislative Changes.

(Sponsored by Commissioner John Elizabeth Alemán)

ACTION: Discussion held. Item referred. See comments on related Item C4D. Motion made by Vice-Mayor Steinberg; seconded by Commissioner Arriola to refer the item to the Land Use & Development Committee and the Finance Committee. Voice-vote: 7-0. **Thomas Mooney to place on the committee agenda. Max Sklar to handle.**

REFERRALS:

Land Use & Development Committee

Commissioner Alemán stated that she spoke to developers who are interested in redeveloping the Marina property in exchange for air rights. She is not in favor or against the project, as it is too soon, but she did mention it is a strategic concept. The Marina lease is very much undervalued, and there are still 37 more years until the lease expires.

Commissioner Malakoff agreed to refer the item to the Land Use & Development Committee, but believes it is too premature to refer it to the Planning Board because so little is known about the project.

Commissioner Grieco stated that he would like to refer the item to the Land Use & Development Committee and Planning Board so that they both come to independent conclusions.

Discussion held.

Vice-Mayor Steinberg agreed to refer the item to Committee; however, she is unclear on what would be referred to Planning Board, because the project has not been fully presented. In the spirit of transparency, she cannot refer the item to the Planning Board.

Raul J. Aguila, City Attorney, explained that the proposed LDR amendments would involve an amendment to the 2025 Comprehensive Land Use Plan, and amendment to LDR for height increase, subject to a waiver, and so there is an increase in proposed FAR, subject to referendum; with regard to the Marina transaction, there is also a proposed amendment to the lease, subject to referendum, and it may involve the sale of air rights; this would also require a referendum. They are looking at three referendums.

Discussion held regarding referral.

3:42:27 p.m.

R9K Discussion On LTC No. 159-2016 Regarding World Out Games Miami 2017.
(Sponsored by Commissioner John Elizabeth Alemán)

ACTION: Discussion held. **Max Sklar to handle.**

DIRECTION:

Notify City of total funding asked

Close pending sponsorship so they can see that this event is coming to fruition

Commissioner Alemán made reference to the LTC that was recently sent, and stated that it is important for her to know the status of the preparations and the justification for the additional \$300,000 being asked.

Ivan Cano, CEO of the World Out Games, went through the history of the World Out Games, and stated that the games are looking to bring in \$100 million in economic impact. He hopes the event will bring increase tourism and keep residents from leaving Miami Beach during Memorial Day Weekend.

Commissioner Alemán asked for a status update on the event.

Commissioner Malakoff also asked for what corporate sponsors have agreed to sign on.

Keith Hart, COO of the World Out Games, gave an update on the World Out Games, and explained the variety of sports and locations of where everything will take place. Lummus Park will be the main hub of the event.

Mr. Cano stated that Adidas will be sponsoring, as well as Coca-Cola, but they have not secured the numbers.

Mr. Hart added that they have RFPs in excess of 70 hotel properties; the bulk of them in the City, which represent over 18,000 hotel nights. They are looking to raise \$4.15 million, and so far, they have committed 10%.

Commissioner Alemán asked if their organization had reached out to the County for funds, and still does not understand why they are asking for an additional \$300,000 from the City of Miami Beach.

Discussion held regarding outreach to County Commissioner Barreiro.

Mr. Hart detailed how funds will be used for cultural events, advertising, fees, and entertainment.

City Manager Morales stated that the priority is to make sure the event has the funding.

Commissioner Alemán expressed her concern that only 10% of the required funds had been raised.

Commissioner Grieco stated that this is a worthy event, and the City has contributed money to it already, but he cannot support providing more funds to it, unless a thorough breakdown of funds is presented to the City explaining where the funds will go.

Commissioner Arriola stated that until the funding gap is narrowed, there is no consensus to give the event more funds.

Mr. Hart stated that the event will most likely bring approximately \$60 million to Miami Beach.

Discussion continued regarding economic impact.

Commissioner Grieco suggested that they let the City Commission know what else they need in terms of fee waivers, event fees, City services, etc.

Commissioner Alemán clarified that the direction is to inform the City Commission what the total ask is, and to work on closing the pending sponsorship.

City Manager Morales stated that by mid-summer in July at the latest, they should provide the City the information.

Handouts and Reference Materials:

1. World OutGames Miami 2017 brochure, #OutGamesMiami.

10:03:41 a.m.

R9L Discussion Regarding The Revaluation Of Ciclovía
(Sponsored By Commissioner Kristen Rosen Gonzalez)

ACTION: Discussion held. **Max Sklar to handle.**

Commissioner Rosen Gonzalez introduced the item. She asked what the cost of the event was, and stated that it should possibly be better marketed in the future, and have it at a different location.

Mayor Levine stated that he has received a tremendous amount of positive feedback. The event needs to be better marketed, and possibly extend the hours to the early morning. He would like to have a race held at 7a.m.

Marcia Monserrat, Chief of Staff, City Manager's Office, stated that the total cost of the event was \$34,300, and are awaiting for the final numbers for the security.

Commissioner Grieco thought the event was great, but the turnout in the morning was not as great. As people found out about it, they came out, so he thinks there is an excitement for the next one. Washington Avenue worked well for this event. The vibe was super positive and he applauded the Mayor. The event should be done twice a year. \$34,000 is money well spent.

Vice-Mayor Steinberg stated that this is a great public event for children and parents due to the safety. The only suggestion she would make is perhaps extending the morning hours from 8:00 a.m. to 12:00 a.m.

Discussion held regarding options for the next Ciclovía event, perhaps in October.

Mayor Levine clarified that they do not want this event to turn into a Countywide event; they want it to be a local City event, perhaps hold another Ciclovía event in June, and then come back in October for a third.

Discussion held.

Commissioner Arriola suggested scheduling the next event in June, and subsequently to that make a final decision. The event was very successful and we will continue to make it better. Consistency is very important. Since the City is already absorbing the costs of closing the streets, they can invite different racers and runners.

Discussion continued.

City Manager Morales explained that they called every business on the street, and they visited every business on the street.

Commissioner Rosen Gonzalez does not think people understood what was going on.

Ms. Monserrat clarified that the next PSA for the next event is "What is Ciclovía?"

Commissioner Alemán suggested holding the event the Sunday after school is out.

Discussion continued.

Commissioner Grieco suggested contemplating Commissioner Rosen Gonzalez's idea of not just having the event on Washington Avenue, but perhaps also in North Beach, and make it a travelling concept, by embracing local businesses and neighborhoods, even in Mid-Beach possibly.

Mayor Levine explained that main arteries of transportation cannot be blocked, but they can look into it. **Jose Gonzalez to handle.**

1:30:22 p.m.

R9M Discussion Regarding Continuing With The Planning And Design Of Altos Del Mar Park, But To Stop Any Further Action And Movement On The Associated Restroom Until Other Locations Are Vetted And Brought Back To City Commission For Further Discussion.

(Sponsored By Commissioner Joy Malakoff)

ACTION: Discussion held. Direction given by acclamation. **Thomas Mooney to handle.**

DIRECTION:

- Reduce storage component, but still be able to accommodate for beach wheelchairs and restroom supplies;
- Keep restrooms at the current size;
- Look at other areas for storage and additional restrooms; and
- Expand restrooms at Bandshell.

Commissioner Malakoff introduced the item. She is not agreeable with putting 1,500 square feet bathrooms, with storage, on the oceanfront. She suggested looking at other locations, perhaps something adjacent to the library or elsewhere, but not right on the beach. She does not know why the storage needs to be there, as opposed to other areas such as the North Shore Open Space Park, where there are existing storage facilities.

Commissioner Alemán explained that the City already has bathroom models that are similar to the iconic lifeguard stands in shape, such as the ones in Allison Park or Beach View Park. She agrees that storage does not belong in that location and that they should look for alternate locations. The library may be a good location. She saw the preliminary design, and there was a great deal of concrete involved in the design, which concerns her. She asked what the process is by which they get to look at it, before it gets too far down the path.

City Manager Morales explained that the design came in front of the City Commission and there was a Master Plan done by ECOMB.

John Rebar, Parks & Recreation Department Director, explained that they went through a complete Master Plan, including public charrettes, it was discussed at Neighborhood/Community Affairs Committee and then to the City Commission for adoption. This is the adoption of that Master Plan. CIP went for final design.

Commissioner Arriola chaired the Blue Ribbon Panel for North Beach for two years, and the item came up several times from residents asking them to move forward with the bathrooms at the Altos Del Mar Park, because it is needed for parents and their children. Neighbors have told them that people relieve themselves in the dunes and bushes, which creates problems. This seems to be a classic case of "not in my backyard." The people most opposed to the bathrooms reside in Altos Del Mar, but that is a handful of people. There are hundreds if not thousands of people that go to the beach every weekend, and they need the convenience of a bathroom. He does not see it as an inconvenience to a handful of homeowners, but it is for the public good.

Commissioner Rosen Gonzalez does not support the storage in that area; however, she raised her children in North Beach, and added that it is uncomfortable to visit a beach that lacks bathroom facilities. They need to build these bathrooms, they are necessary. Any attempt to derail the construction of these bathrooms is just wrong.

Discussion held.

Mr. Rebar added that there is an update to the plan. The restroom is currently 1,300 square feet, with 300 feet being scaled down. In regards to storage, they have a deficiency in storage across the park system, but they were thinking about storing beach accessible wheelchairs to get them out of the element.

David Martinez, CIP Director, clarified that the proposed location is at the backside of the parking lot, not in the park property, and not east of the dunes; it is within the parking lot property.

Discussion held.

Commissioner Arriola added that this has been discussed for a long time, and they should give direction to staff to move forward.

Betsy Perez supports Commissioner Malakoff's suggestion to move forward with the park and rethink the bathrooms. The 1,600 square foot structure is huge, and it is right next to the dunes, where there are turtles, which does not make any sense to anyone. She likes the idea shared by Commissioner Alemán in designing the bathrooms similar to the iconic lifeguard stands in shape, but smaller and safer. There is only one bathroom in the Bandshell. There also needs to be a structure where there are bathrooms, but not necessarily in an historic, open-space, green space park, that was promised without duplication of services.

Tonya Bach stated that they need bathrooms; she likes some of the suggestions, such as keeping the wheelchairs close to the beach, and as a runner she added that the more bathrooms, the better.

Carol Housen stated that she has been the point person for Crime Watch on that street for the last eight years, and has walked the streets with the Miami Beach Police Department (MBPD); they are all concerned that there are more people at 73rd Street than there are at 75th Street, and she would urge the City Commission to go forward with the park plan, rethink the issue of the bathroom. Opening the bathrooms at the Senior Center (UNIDAD) is going to take a great deal of pressure off the neighborhood.

Commissioner Rosen Gonzalez added that the bathroom at UNIDAD needs to be upgraded.

Discussion held.

Commissioner Grieco stated that it is difficult to find many parks that do not have bathrooms, especially along the beach where there is a shortage of bathrooms. Allison Park has a bathroom, so the more the merrier.

Carolina Jones spoke about world class parks. She has heard throughout the morning a great deal of comments about the glamour and glitz of Miami Beach, being the leader in sustainability and the environment, but how can they talk about being leaders and creating more world class parks if they are back to talking about basic, human decency of having a bathroom in a public park. Every other beachfront park has a restroom. If neighbors want something smaller and there is willingness by the City, residents and board members can discuss it further, but the item does not have to be derailed. To derail a bathroom for the whim of 20 people versus 27,000 is embarrassing.

Glenda Phibbs stated that they have to focus on world class parks; she asked not to derail this process any longer. Not only has Altos Del Mar been going on for many years, it is budgeted, and it has gone to City Commission for recommendation. They are willing to make the restrooms smaller. There is a need for a restroom; it is part of making a destination park, not a resident's park, but it will be their South Shore park.

Mayor Levine asked if there is a way to move forward and making the bathroom smaller.

City Manager Morales stated that they will follow direction.

Discussion held regarding size of bathroom.

Vice-Mayor Steinberg suggested removing the storage component out of the park and focus on just the bathrooms, with the same scale and size that they have at Allison Park; and maybe look at other areas for storage; also ultimately a different conversation down the line is looking at the Bandshell area, and adding an area there where they can have additional bathrooms.

Mayor Levine stated they would move that motion forward by acclamation.

Commissioner Rosen Gonzalez asked how many stalls are in the bathroom.

David Martinez, CIP Director, explained that the current building is approximately 600 square feet of restroom and the rest is storage.

Discussion continued regarding reducing storage for beach wheelchairs and keeping the restroom the way they are.

Mayor Levine stated that they need to expand the bathrooms at the Bandshell.

4:11:01 p.m.

R9N Discussion Regarding Costs For The August 30, 2016 Primary Election.
(Office of the City Clerk)

ACTION: Update given. **Rafael E. Granado to handle.**

Rafael E. Granado, City Clerk, explained that earlier this year the Elections Department had requested to move the Early Voting location from City Hall to the Miami Beach Regional Library. The Office of the City Clerk was instructed by the City Commission to keep Early Voting at City Hall. He stated that the Early Voting for the Presidential Preference went well, and the Election Department plans to hold the Primary Election and the General (Presidential) Elections in City Hall. However, in order to have Early Voting for these Elections, there are costs associated with the facility, as it is too small and requires the use of a tent in the breezeway. The total cost is approximately \$19,000; the installation of the AC/Tent is \$12,000, and security guards service is \$6,000. There is no longer the cost for refurbishing the First Floor Conference Room; as that was completed for the Presidential Preference Primary Election.

3:13:12 p.m.

R9O Discussion Regarding A Moratorium On Demolitions In North Beach, Until A Master Plan Is Complete.

(Sponsored by Commissioner Ricky Arriola and
Co-sponsored by Commissioner Joy Malakoff)

ACTION: Discussion held. Ordinance to come back on first reading at the ~~May 18, 2016~~ **June 8, 2016 Presentation & Awards Commission Meeting**. Lilia Cardillo to place on the Commission Agenda, if received. **Thomas Mooney and Jeff Oris to handle.**

Clerk's Note: Due to The Miami Herald Advertising deadlines, the first reading of this proposed Ordinance will occur on June 8, 2016.

Commissioner Arriola clarified that Commissioner Malakoff is co-sponsoring this item.

Commissioner Malakoff explained that this is a moratorium on demolitions on properties within the National Register District and local historic districts.

Commissioner Arriola wants to know that if there is consensus for 1) a demolition moratorium, 2) for what area of North Beach, and 3) for what period of time. He suggested having a moratorium of demolition for a period of six months, not to exceed the time that the Master Plan is finalized. It would cover the areas encompassed in the Master Plan.

Mayor Levine asked if Ocean Terrace is included in the area.

Thomas Mooney, Planning Department Director, stated that the Master Plan is west of Collins Avenue.

Commissioner Grieco asked if the discussion is on contributing structures or everything across the board.

Commissioner Arriola stated that his concern is that they put so much work into the Master Plan for the North Beach area, that they need to finalize that Master Plan, and it would basically be a blueprint for other projects to be approved going forward, if they allow for demolition of buildings that are currently encompassed within the Master Plan, they may lose opportunities to build in cohesion with what the Master Plan is envisioning.

Commissioner Malakoff stated that it is important in the buildings that are currently within National Registry District, and buildings currently in the local district where demolition is already prohibited.

Mayor Levine reiterated that this would not affect single-family homes or Ocean Terrace, only historic or contributing buildings within the Master Plan process.

Discussion held.

Eve Boutsis, Deputy City Attorney, stated that pursuant to State Law this moratorium has to be done via Ordinance.

Mayor Levine suggested bringing back an Ordinance; he asked if this constitutes zoning-in progress.

Commissioner Grieco, in answering Mayor Levine's question, stated that the item would have to be referred to Planning Board, and Planning would have to give a favorable recommendation, before zoning in progress kicks in.

Raul J. Aguila, City Attorney, explained that if they bring back an Ordinance in June, the item does not have to go Planning Board.

Eve Boutsis, Deputy City Attorney, explained that they are not amending the land development regulations, but halting the demolition during that time period; the Ordinance has to go to two readings.

Discussion held.

Commissioner Alemán is concerned to cause more of what they are trying to prevent, and is worried that they are about to encourage people to speculative demolish because they are worried about the uncertainty they are creating. This action may get the opposite effect.

Raul J. Aguila, City Attorney, clarified that the Ordinance will be in effect on second reading, and they can bring it back for first reading at the Presentation & Awards Meeting. **Clerk's Note:** Due to Miami Herald Advertising deadlines, the first reading of this proposed Ordinance will occur on June 8, 2016.

Handouts or Reference Materials:

1. Email from Commissioner Joy Malakoff dated May 8, 2016 RE: Moratorium on Demolitions in North Beach – R-9-O.
2. Handout distributed by Commissioner Arriola from North Beach Neighbors Alliance Steering Committee.

4:12:35 p.m.**SUPPLEMENTAL MATERIAL 2: MEMORANDUM**

R9P Discussion Regarding Launching A Pilot For Protected Bike Lane Separators.
(Sponsored by Commissioner Ricky Arriola)

ACTION: Discussion held. **Jose Gonzalez to handle.**

DIRECTION:

- Paint bike paths green
- Placing test separator devices for bike lanes on Venetian Causeway
- City Manager to reach out to the County

Commissioner Arriola explained that there new technologies available for protective bike lanes, and as they move forward with the Master Plan, he wants to get consensus for doing different pilot programs on certain roadways. He asked Mr. Gonzalez if he has any ideas. He approached the County to see if they can test along the Venetian Causeway. The City has been trying to urge the County to paint the bike paths green and there have been some delays.

Jose Gonzalez, Transportation Director, explained that there is one product available in the market from a company named Zicla. He met with their representatives, and the devices work best in the case of a protected bike lane, with two-foot buffer areas. The devices can be tested in the Venetian Causeway, although this area is not protected. They also take into account if it is a City or State road.

Mayor Levine thinks that the City needs to paint bike paths green on Venetian Causeway.

Discussion held.

City Manager Morales stated that one of the budget items approved was adding money to the contract to do two other areas; they are doing Venetian at the end of the month, and they were given authorization from the County to paint County Roads.

Discussion held. Direction was given to move forward with painting the bike paths green.

Commissioner Malakoff stated that the devices can only be where a protective bike lane is protected from the cars, with enough space between the bicycle lane and the car lane; otherwise, accidents can happen.

Jose Gonzalez, Transportation Director, added that when there is a protective bike lane, many times there is on street parking on one side, so these devices could also be used to let drivers know when they are parallel parking that they are over stepping in their areas. They can look to see where there is enough room for these devices.

Mayor Levine asked if they could commit to a specific location.

City Manager Morales stated that the County has authorized the City to paint the bike paths, as long as they do not affect the traffic pattern.

Jose Gonzalez, Transportation Director, added that they can look at 16th Street, the bike lanes may be wider than five feet.

Commissioner Arriola added that these particular devices should be placed on Venetian Causeway, where cars do not park, since it is a sidewalk.

City Manager Morales will reach out to the County.

4:18:52 p.m.

SUPPLEMENTAL MATERIAL 3: RESOLUTION

R9Q Discussion Regarding A Resolution Authorizing The City Manager To Explore A Potential Collaboration Agreement With Miami-Dade County To Utilize, Or Join The AT&T Smart Cities Initiative For The Benefit Of The City Of Miami Beach.

(Sponsored by Commissioner Ricky Arriola)

ACTION: Discussion held. **Resolution 2016-29410 adopted.** Motion to approved made by acclamation, item to move forward. Come back in 60 days with a status update by LTC. **Ariel Sosa to handle.**

DIRECTION:

Status update in 60 to 90 days, via LTC

Commissioner Arriola informed that basically the program authorizes the City to go forward with a pilot program with AT&T's Smart Initiative.

Jimmy L. Morales, City Manager, explained that he met with Miami-Dade County Angel Batista and introduced the AT&T representative in the audience.

Cathy San Pedro, AT&T representative, stated that they recently announced a partnership with Miami-Dade County to make the County a "Smart City." She explained the innovative ideas for signage, for buses and informative use. This is in the early stages of development. They commend the City Commission for wanting to be one of the first cities to align with the County. Her team could not attend to do a formal presentation, but it will be provided upon request.

Commissioner Alemán is in full support.

Commissioner Arriola asked for an update in 60-90 days. **LTC to be sent. Ariel Sosa to handle.**

City Manager Morales will receive an AT&T report due to the recent outage.

04:21:53 p.m.

R9R Discussion Regarding The Reevaluation Of The Fine Schedule For Littering On The Beach As Recommended By The Finance And Citywide Projects Committee.

(Code Compliance/Police)

ACTION: Discussion held. Motion made by Commissioner Malakoff; seconded by Commissioner Arriola to refer to Finance & Citywide Projects Committee; Voice-vote: 5-1; Opposed; Commissioner Grieco. Absent: Vice-Mayor Steinberg and Commissioner Rosen Gonzalez. **Allison Williams to place on the committee agenda. Hernan Cardeno to handle.**

REFERRAL:

Finance & Citywide Projects Committee

Commissioner Malakoff stated that this is in regards to the new fine schedule for littering on the beach. The problem is that the first level of fines is \$1,000. She asked Code Compliance at Finance & Citywide Projects Committee to get the figures, which were distributed at the dais. She wants to know if there have been any citations given, and if the \$1,000 fines have been paid. She also asked if those fines could be reduced, as most of the younger people cannot afford the fines. She suggested reducing the fines to \$100, or give the violators the opportunity to clean up certain sections of the beach in lieu of paying the fine.

Robert Santos-Alborna, Code Compliance Assistant Director, stated that they actually have had three littering violations of \$1,000 under the new Ordinance, and the fees have not been collected. When these fines are issued by a Code Compliance Officer, without the support of the Police Department, that is an issue of concern, and it is part of the equation that needs to be taken into consideration.

Discussion held.

Commissioner Malakoff believes that they cannot make any regulations that cannot be enforced. She added that it needs to be enforced, and the fines need to be brought into line.

Mr. Santos-Alborna thinks that having a value to the citation, gives the Code Compliance Officer leverage. The concern is that when they do go and issue a fine, the challenge is to have the support of Miami Beach Police Department in case the violation escalates.

Commissioner Grieco is concerned about having issued only three tickets for littering; this should be the biggest concern. If you issue a ticket to a teenager, who does not own property on the Beach, it does not mean anything. This is about the deterrent factor, not to take anyone to jail, but not to continue having individuals litter. Usually littering happens progressively and passively throughout the day.

Mayor Levine asked if there is any concern that the \$1,000 fees are too high.

Commissioner Arriola did not vote for the item because he feels the fees are too high, and when fees are high, there is a hesitancy to issue a ticket.

Mr. Santos-Alborna explained that without the support of Miami Beach Police Department, enforcement is a challenge and a serious concern for safety for the issuing Officer.

Commissioner Alemán stated that this is a concern, if the Code Enforcement Officer is putting himself in danger by issuing a ticket without Police back up.

Discussion continued regarding fines.

Mayor Levine requested referring the item to Finance & Citywide Projects Committee to revisit.

4:30:50 p.m.

R9S Discussion On Leaf Blower Ban.

(Sponsored by Mayor Philip Levine)

ACTION: Discussion held. **Eric Carpenter and Elizabeth Wheaton to handle.**

Mayor Levine stated he has heard from many residents complaining of smoke and noise generated by leaf blowers. He stated that there are electrical leaf blowers that other municipalities are using, such as in Santa Monica.

Commissioner Grieco agrees with Mayor Levine, and added that at the Sustainability Committee the discussion had was about the noise and other issues; however, the information provided in a research he conducted is different than what was provided by the Sanitation Department; he thinks the City should be looking at all available products, find the most efficient ones, with the lowest decibel levels, even if it is at a higher cost.

Discussion held.

Rodney Knowles, Green Space Management, stated that a pilot program has been in place, with a battery operated leaf blower in City Hall and at other sites, for two weeks. They are pleased with what they have seen so far; the only hesitation is that they are not sure if they are seeing the full capability of the unit. The battery-operated unit is more powerful than the handheld unit, but not as powerful as the gas-powered unit. They extended the unit to Sanitation to put it to the test.

Discussion held.

Commissioner Malakoff stated that if this works she has no problem with the City using it; that is one thing; however, the people who work on single-family home lawns, who live from paycheck to paycheck, are not able to afford buying electric blowers or other quieter devices.

Commissioner Alemán asked for clarification if they are proposing banning all leaf blowers; or are they merely proposing banning gas powered leaf blowers? Are electrical leaf blowers still acceptable?

Raul J. Aguila, City Attorney, clarified that the issue is to ban gas-powered leaf blowers.

Mayor Levine reiterated that other communities are implementing such bans.

Discussion held regarding phasing out gas powered leaf blowers over one year's time.

Commissioner Arriola suggested phasing the gas powered leaf blowers as they come to the end of life.

Mayor Levine stated that the community is voicing their complaints against these gas powered leaf blowers.

Eric Carpenter, Assistant City Manager/Public Works Director, stated that they were tasked by the Sustainability Committee to perform the pilot program; they have done some work on the Green Space Site and will work on the Sanitation side. They can certainly phase out a majority of the gas powered leaf blowers, if that makes the community a better place. They are talking about perhaps 30 machines at \$1,000 each. They want to ensure that they are able to perform the same job at the same level of service.

Mayor Levine suggested bringing back a status report.

Mr. Carpenter explained that the item will go back to Sustainability Committee next month, they will make a recommendation, and will bring back to the City Commission.

4:39:04 p.m.

ADDENDUM MATERIAL 2

R9T Discussion Regarding A City Employee Healthy Cafeteria.
(Sponsored by Mayor Philip Levine)

ACTION: Discussion held. Item referred to Finance & Citywide Projects Committee. Motion made by Commissioner Arriola, seconded by Commissioner Malakoff to send item to Finance & Citywide Projects Committee, with the plan to move item forward and bring an employee cafeteria to City Hall. Voice-vote: 6-0; Absent: Commissioner Rosen Gonzalez. **Allison Williams to place on the committee agenda. Max Sklar and Alex Denis to handle.**

REFERRAL:

Finance & Citywide Projects Committee

Mayor Levine explained that he hears from staff that there is nowhere to go eat lunch or breakfast; staff are walking to Lincoln Road, where it is very expensive. He stated that every corporation has a corporate cafeteria with healthy foods at reasonable prices. The idea is bringing a professional catering company to City Hall.

City Manager Morales stated that Stardust, next to Permit Doctor, went out of business but staff is reaching out for a potential lessee. Oolite is being used for training. Spectra has to move out of the Convention Center, due to the construction, but they can begin to reach out to potential caterers.

Discussion held.

Commissioner Arriola stated that City Hall should be one of the best places to work in the County, and possibly the best municipality in the entire country, as a vision. His company has been named one of the top companies to work in the State. They have an on-site cafeteria. His company provides free rent to the caterer, and they in turn charge a minimal fee for providing hot breakfast and lunches, nutritious and at a reduced rate, which is a great amenity to have for employees.

Mayor Levine asked if a motion is required.

City Manager Morales explained that they can bring a budget enhancement to include the employee cafeteria.

Vice-Mayor Steinberg suggested referring the item to Finance & Citywide Projects Committee to discuss the options.

Motion made by Commissioner Arriola, seconded by Commissioner Malakoff to send item to Finance & Citywide Projects Committee, with the plan to move item forward and bring an employee cafeteria to City Hall.

9:33:50 a.m.**ADDENDUM MATERIAL 2**

R9U Discuss Alternative Drafts Of Proposed Amendments To Charter Section 1.03(b), Regarding A Public Vote On The Sale, Exchange, Conveyance Or Lease Of Ten Years Or Longer Of City Park, Recreation Or Waterfront Property.

(Sponsored by Commissioner Michael Grieco)

ACTION: Discussion held. See comments with Item R9J. **Office of the City Attorney to handle.**

DIRECTION:

Commissioner Grieco will work on the language and bring back at a future Commission Meeting.

Commissioner Grieco explained that this is a Charter amendment to be placed on the ballot in November or sometime in the future, that would increase voter requirements regarding any future transfer of parkland, waterfront property, etc. He presented two drafts to his colleagues and crafted the language to see if there was consensus to increase the threshold from 50% to 60% referendum, or to keep it at 50%, but also require 50% of every precinct that is within one mile of the affected property.

Commissioner Malakoff is not in support of this item, as this Ordinance is already on the Charter regarding lease, sale or management contract for more than ten years for parkland, oceanfront property or government owned property. It was passed and held viable over the years. She does not think this is an emergency item.

Vice-Mayor Steinberg is in favor of the proposal. She stated that she was working with the City Attorney on a Charter amendment regarding waterfront and parkland. She wants to make sure that they are reaching the highest and best use of all properties. She would tweak it further to make it more of a catchall.

Commissioner Arriola agrees with Commissioner Malakoff and is not sure what they are trying to accomplish with further reduction; they have sufficient protection in the Charter.

Raul J. Aguila, City Attorney, explained that currently to lease or dispose of park or waterfront property, they need a majority vote approval.

Discussion held.

Commissioner Alemán stated that she is not in favor of the one-mile distance; Miami Beach is a small City and these are public assets; they belong to the entire public, not just to a particular neighborhood.

Commissioner Grieco stated this is different from referendum or private projects on private land, this is about the sale, lease or transfer of City property that is on the water, or City property or parkland. He does not think 50% threshold is high enough, and for future projects, they need to rethink it. The Ordinance in place now has been there for a long time. He thinks it is an important conversation to have. He added that he is in favor of the Marina project; there is also the Nikki Beach project, and people are concerned that the City can open up some sort of Pandora Box, and he does not want that to happen. He wants to assure the public and the folks South of Fifth that this Marina project is a “unicorn” situation and will not open a Pandora’s Box. As a City Commission, they should look at protecting that property; this affects Allison Park and all other waterfront parkland properties that may deserve of more protection than just 50%.

Commissioner Rosen Gonzalez stated that as for the 50% voter approval, she thinks that the people living in their neighborhoods should decide.

Commissioner Alemán asked if Commissioner Grieco would consider more protection during auto renewal of leases.

Commissioner Grieco is not sure he wants to over-complicate the issue, but will work on the language.

Mayor Levine suggested Commissioner Grieco to bring back with language change at a future Commission Meeting.

R10 - City Attorney Reports

R10A City Attorney's Status Report.

(Office of the City Attorney)

ACTION: Report given.

Reports and Informational Items

1. Reports and Informational Items (see LTC 194-2016):
2. List of Projects Covered by the Cone of Silence Ordinance - LTC.
(Procurement)
3. Report From Commission Committees Of Withdrawn Items Not Heard Within (6) Six Months From Their Referral Date.
(Office of the City Clerk)

End of Regular Agenda

Meeting adjourned at 6:08:01 p.m.